ISLAMIC ARGUMENTS FOR RELIGIOUS FREEDOM

NO Compulsion in Religion

لَآ إِكْرَاهَ فِى ٱلدِّينِ

No Exceptions

EDITED BY MUSTAFA AKYOL

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$24.95
ISBN 978-1-966524-96-8
52495
9 781964 524948

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Hardcover ISBN: 978-1-964524-94-8
eBook ISBN: 978-1-964524-95-5

Cover: Jon Meyers.

Library of Congress Cataloging Number available.
Printed in the United States.

CATO INSTITUTE
1000 Massachusetts Ave. NW
Washington, DC 20001
www.cato.org

This project was made possible
through the support of a grant from
Templeton Religion Trust

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Introduction: Why "No Exceptions"?

Mustafa Akyol

> *Islam is submission to God's will. But God's will . . . has to be discovered by man and then be conformed to. Of course, it is possible for a man willfully to disobey the will of God, but in this very freedom consists the real greatness of man.*
>
> —Fazlur Rahman Malik
> "The Status of the Individual in Islam," 1968[1]

In August 2021, the Taliban, an Islamic movement of armed "students," returned to power after two decades of foreign intervention, a relatively more secular government, and civil war in Afghanistan. Weeks later, they announced their Islamic Emirate of Afghanistan, which included the Ministry for the Propagation of Virtue and the Prevention of Vice, whose earlier version had become globally controversial during the first Taliban rule, 1996–2001. It was a religious police force that dictated extreme constraints on the population, especially on women, and banned anything that the Taliban considered sinful, from television sets to cassette players, from playing chess to flying kites.[2]

The new Taliban leaders promised that their religious police would be gentler this time, but many of the old dictates soon began reappearing. Females were ordered to wear full-body coverings, and men were ordered to grow and keep beards. Girls and women were also banned from traveling alone,

attending schools, and even speaking too "loudly."[3] More rules, announced in August 2024, banned "making pictures of animate objects, beard-shaving, befriending non-Muslims," and criminalized "not praying, not fasting during Ramadan."[4] Whatever the Taliban perceived as a requirement of Islam, in other words, became a law to be enforced by the state.

But was this really the Islamic thing to do? Was the Taliban right, religiously, in enforcing its perception of religion?

This question reverberated among Muslims around the world, as it has done for decades. Those who disapproved of government-imposed religious enforcement—whether by the Taliban or other Islamic groups or regimes—have pointed to its absurdity: True religion requires inner sincerity, which cannot be imposed externally. Imposition of religion (or any belief) can only breed resentment and hypocrisy. Many critics of religious enforcement have also referred to a Qur'anic verse that has long become a motto among Muslims who seek scriptural grounds for individual liberty: "There is no compulsion in religion . . ." (2:256).

One of those who got inspired by this short but powerful Qur'anic phrase was a British Muslim female commentator with a large following on social media. In February 2024, she posted a video message criticizing the Taliban's dictates about female dress codes, and wrote:

> The Quran directly states that religion should not be forced. Although hijab is encouraged in Islam, no one is allowed to be pressured into compliance.[5]

However, another British Muslim, a male journalist with a more conservative outlook, soon weighed in:

> The Quran directly states that religion should not be forced. Yes, but 2:256 which you're referring to exclusively applies to non-Muslims. . . . Do better sister . . . much better.[6]

Was he right? Does the Qur'anic statement, "There is no compulsion in religion," exclusively apply to non-Muslims, meaning they can keep their

religions, while there *is* compulsion for Muslims themselves? In other words, do Muslims not have the right to practice their religion according to their conscience? Are they also subject to the dictates of men in positions of temporal authority?

This is the question that will be addressed in this book. All the contributors are Muslim scholars and intellectuals who take their religious tradition seriously while also appreciating the value of individual liberty, taken to be a core religious value in Islam. They all believe that there should indeed be "No compulsion in religion," and that this magnanimous maxim should apply not just to non-Muslims but to Muslims themselves. It should be applied, in other words, in all respects, and with *no exceptions*.

Notably, such a maximalist reading of the verse is supported by its wording. The grammatical construction of the phrase "No compulsion"—لَا إِكْرَاهَ (*la ikraha*)—conveys a categorical negation.[7] It mirrors the emphatic negation found in the central declaration of the Islamic faith: لَا إِلَٰهَ إِلَّا ٱللَّهُ (*la ilaha illallah*), meaning "No god but God."

Yet despite this clear construction, not all Muslims understand the verse as an unequivocal rejection of compulsion in religion. Understanding why they think so—and showing how they can think differently—is at the heart of our discussion.

Why Do We Need This Discussion?

Such a discussion on religious coercion in Islam is pressingly necessary. The reason, however, is not that the whole Muslim world, from Morocco to Indonesia, is suffering from it, as some may wrongly assume. Far from it. As of 2025, about 50 Muslim-majority states existed in the world, and roughly half of them have secular constitutions and laws (which may come with other problems, but often not religious coercion). Even among those that self-define as Islamic states, the Taliban regime in Afghanistan represents the most extreme case. No other Islamic state totally deprives women of public education, for example, and only a few others—including, especially, the Islamic

Republic of Iran—also employ police forces to enforce *hijab* (head covering) on women.

Nevertheless, varying levels of religious coercion exist across the Muslim world, especially in self-declared Islamic states. In about 10 of them, "apostasy," or public renunciation of Islam by a Muslim, is considered a crime punishable by death.[8] "Blasphemy," or insulting Islamic sacralities, even unintentionally, carries the death penalty in at least five states, and heavy prison sentences in dozens of others.[9] The urge to punish blasphemy also leads to vigilante violence, public lynchings, and even terrorist attacks. Moreover, some "Islamic" states or regions have police forces for the "propagation of virtue and the prevention of vice" that often mete out corporal punishments for moral offenses. There are also legal inequalities that give women fewer rights than men—in marriage, divorce, inheritance, legal testimony, or freedom of movement.

In this book, we will consider all these different aspects of enforcement as religious coercion. We will question their religious grounds in Islamic sources, as well as their practical results in the modern world.

Such a reckoning is needed for a few reasons. First, although religious coercion is not experienced all across the Muslim world, the anxiety about it is. Most Muslim-majority societies have political or social movements—often described as "Islamists"—that aim to increase the role of Islam in governance and public life, often with reference to the Sharia, or Islamic law, with elements of religious coercion. The fear that these movements will ultimately establish oppressive religious rule helps turn other political groups oppressive as well. "Secularists justify authoritarianism," social scientist Ahmet T. Kuru observes, "by presenting it as the only way of avoiding Sharia."[10] The result is a vicious cycle of mutual distrust and repression that undermines a culture of tolerance and pluralism.

Second, the same anxiety about "Sharia enforcement" also fuels Islamophobia among non-Muslims, especially in the West. To be sure, certain ideological groups may not need any such external input to hate Islam and Muslims, which may arise from their religious, racial, or political bigotries.

But they can gain a louder voice, and can be joined by otherwise unbiased people, when Islam is widely perceived through oppressive manifestations. This perception fuels discrimination against Muslim minorities and militancy against Islamic states, threatening peace and freedom on a global scale.

Third, religious coercion weakens the very faith it aims to preserve. Disciplining Muslim societies by controlling belief and behavior may have "worked" in the premodern era—though at a terrible cost, as we will see in this book. Yet in the modern world of unprecedented communication—where most people can get a sense of a free society and compare theirs with it—religious coercion proves counterproductive. It enforces observance without the right *niyyah*, or "intention," building not piety but hypocrisy. It also generates resentment against religion, if not outright hostility. This is most evident in Iran, where decades of top-down "Islamization" has made society not more Islamic but less so, as we will also see in this book.

Fourth, religious coercion oppresses even pious Muslims themselves, because whatever is enforced in a certain country is always a certain sect or interpretation of Islam, at the expense of others. In the Islamic Emirate of Afghanistan, for example, the Taliban enforces its rigid interpretation of Hanafism, one of the four major Sunni schools of jurisprudence, while suppressing other schools, such as Shiites and even other Sunnis.[11] Even Salafis, whose own brand of ultraconservative Sunni Islam is often quite intolerant, can suffer intolerance under the Taliban.[12]

That is why the problem of "compulsion in religion" must be thoughtfully addressed—not only for the sake of Muslims themselves but also for non-Muslims who may be targeted by aspects of it, such as apostasy and blasphemy laws.

Fear of God or Fear of the Ruler?

In the near future, as well, in any new political order that emerges in the Muslim world, religious coercion is likely to remain a point of contention. A notable case, as of this writing, is Syria, where the decades-long brutal dictatorship

of the secular nationalist Baath Party was finally toppled in December 2024. The revolution was spearheaded by Islamist groups, including Hay'at Tahrir al-Sham, whose leader, Ahmed Hussein al-Sharaa—also known by his nom de guerre, Abu Mohammad al-Jolani—soon became the interim president, promising an inclusive Syria, free of oppression. Interestingly, comments made by al-Sharaa in an earlier speech in 2023 at the Idlib Governorate seemed to support this vision. In that speech, he rejected the notion of calling people to religion "with a stick," offering a rationale that resonates with an argument that will be explicated in this book:

> The government does not have the right to impose worship on people [because] we do not wish to turn society into a hypocritical society wherein if they see us, they pray, and if they don't see us, they don't pray.[13]

However, more hard-line figures in the same ideological movement pushed back. One of them, Abu Muhammad al-Maqdisi, quickly authored an essay titled, "Warning Against Diluting the Religion and Justifying the Suspension of the Laws of the Sharia."[14] Al-Maqdisi insisted that Islamic states must compel Muslims to practice their religion, regardless of their internal convictions. To support his position, he also cited two key sources. The first was a dictum attributed to the early caliphs: "God deters with political authority (al-sultan) that which He does not deter with the Quran."[15] So people had to be deterred from sin, even if their motivation was the fear of the ruler, not the fear of God. The second narration was a *hadith*—a reported saying of the Prophet Muhammad (peace be upon him)—that spoke of "People who will enter Paradise in chains."[16] So some people had to be dragged into paradise, even against their will.

Which of these opposing views—freedom versus coercion in religion—is more faithful to Islamic values and more promising for the future of the Muslim world? Should Muslims practice their faith solely out of "fear of God," rooted in inner piety? Or should they also be compelled by "fear of the ruler"—that is, by the coercive power of states or vigilantes enforcing religious norms?

This is the main question that we will address in this book.

What Does the Tradition Say?

Which brings us to ask what the Islamic religious tradition really says on this matter.

The answer is complex, as we will explore in the forthcoming chapters. But we will be frank: By and large, the mainstream Islamic religious tradition, as interpreted by the *ulama*, religious scholars, did justify various aspects of religious coercion. This included the criminalization of apostasy and blasphemy. It included the interpretation of the Qur'anic duty of "commanding the right and forbidding the wrong" (*al-amr bi'l-ma'ruf wa'l-nahy 'an al-munkar*) as religious policing, also called *hisbah*.[17] It included harsh punishments for Muslims who gave up daily prayers, drank wine, or held heretical opinions. Modern-day Islamist regimes sometimes exacerbate this coercive legacy by using the unprecedented powers of the modern bureaucratic state, but the legacy is present.

That is why the view of the British Muslim journalist who insisted that the Qur'anic maxim "No compulsion in religion" only "applies to non-Muslims" was not unwarranted. That was indeed the majority opinion among the traditional exegetes of the Qur'an. The verse, according to them, was only about allowing the "People of the Book"—namely, Jews and Christians—to preserve their religion under Muslim rule as *dhimmis*, or "protected," subjects. In medieval times, when forced conversion to the dominant religion was common, this was a remarkable act of tolerance. Hence, religious minorities persecuted elsewhere, such as the *Sephardim* (the Jews of Spain), fled to Muslim lands to find religious freedom. But the same freedom was not granted to perceived apostates, heretics, or sinners within the Muslim community.

That is why some modern-day translations of the Qur'an that are committed to the mainstream traditional view insert "explanations" into verse 2:256. The explanations look like these:

"There shall be no compulsion in [*acceptance of*] the religion . . ."[18]

"There shall be no compulsion in religion [*in becoming a Muslim*] . . ."[19]

The unmistakable message in these insertions is that there is "no compulsion" until one becomes a Muslim. With the acceptance of Islam, however,

compulsion may begin. Some conservative preachers emphasize the same point by arguing that "there is no compulsion *in* religion" actually means "there is no compulsion *to* religion."[20]

So, if this is the mainstream view in the Islamic tradition, why should Muslims not simply stick with it?

Because there may be blind spots in the tradition arising from its historical contexts, which we today, in a different context, can see more clearly—as future generations may also see about us today.

One prominent 20th-century Islamic thinker, the Pakistani-born Fazlur Rahman Malik (d. 1988), noticed such a blind spot in the Islamic legal tradition with regard to "the individual in Islam." In his view, the Qur'an had designated the individual human being as "the primary locus of responsibility." However,

> Due to the early rapid expansion of Islam beyond the Arabian Peninsula and the establishment of a vast empire, the exigencies of administration required the formulation of Islamic law. . . . Now, since law regulates the external behavior of man in a social context, one necessary consequence of this brilliant but one-sided movement had been to emphasize almost exclusively the social content of Islam.[21]

In this imperial context, Fazlur Rahman added, most jurists (*fuqaha*) "held tenaciously to the bare external, legal structure of Islam and cared little for the value of the individual and his personal experience."[22] The latter would be emphasized by Sufis but often with little direct influence on the juristic tradition. The latter kept focusing on regulating external behavior—by banning apostasy and enforcing piety—without asking whether external coercion can really induce internal faith.

The Trouble with "Abrogation"

An exegetical tool employed by this "one-sided movement" was *naskh*, or "abrogation," meaning that earlier Qur'anic commandments can be annulled

by later ones. It is unmistakable that the Qur'an has different emphases reflecting the different phases of the first Muslim community led by the Prophet Muhammad: In Mecca, Muslims were persecuted, and the Qur'an reflected their yearning for freedom while advising them to show patience and restraint.[23] In Medina, Muslims achieved military power and engaged in a war of survival, and the Qur'an directed their battles. These two different emphases could be reconciled as different measures for different times of peace and war. However, the mainstream juristic tradition chose to elevate and absolutize the measures for war. As critically noted by Muslim academic Louay Fatoohi, the result was a fateful abrogation of over a hundred Qur'anic verses that "instruct Muslims to be tolerant to non-Muslims, accommodate other religions, show forgiveness, and seek peace."[24]

Verses that instruct noncoercion within religion also fell victim to abrogation. Among them were Qur'anic passages that strike many today as proclamations of religious freedom. These include the following:

> Had your Lord willed, all the people on earth would have believed. So can you [Prophet] compel people to believe? (10:99)
>
> Say, "Now the truth has come from your Lord: Let those who wish to believe in it do so, and let those who wish to reject it do so." (18:29)
>
> This [Qur'an] is a reminder. Let whoever wishes take the way to his Lord. (73:19, 76:29)
>
> So [Prophet] warn them: your only task is to give warning. You are not there to control them. (88:21–22)
>
> Say [O Disbelievers] . . . "You have your religion and I have mine." (109:6)

As striking as these verses are, not all but many traditional exegetes, or commentators, of the Qur'an considered them "abrogated" by the so-called verse of the sword, making them irrelevant for Islamic law.[25] One of these "abrogated" verses, according to some exegetes, was also our pivotal verse, "No compulsion

in religion."[26] As observed by Patricia Crone, a Western scholar who offered a detailed examination of the commentaries on this verse:

> The jurists were of course well aware that the verse could be read as a universal grant of tolerance incompatible with the duty to execute apostates and wage *jihad* against non-Muslims; but he who understood it in that vein always added that it had been abrogated.[27]

That is why S. A. Rehman, a former chief justice of Pakistan, who praised the "No compulsion" verse as "a charter of freedom of conscience unparalleled in the religious annals of mankind," also regretted the "attempts made by Muslim scholars themselves to whittle down its broad humanistic meaning."[28]

What Will We Do in This Book?

Nevertheless, the Islamic tradition is infinitely rich, and one can find diverse opinions on virtually every legal or theological question. On matters relating to religious freedom, there were also groundbreaking opinions that went against the coercive measures described earlier. Moreover, the traditional theory of abrogation within the Qur'an—which "started to be developed many decades after the Prophet"[29]—has been questioned by many contemporary Muslim scholars, offering a holistic view of scripture.[30] That view allows us to revitalize neglected passages of the Qur'an that favor liberty and tolerance over coercion.

With these concerns and inspirations in mind, our team of authors—assisted by our academic advisor, Muhammad Khalid Masud—will revisit various aspects of religious coercion in the name of Islam, along with human misuse of divine authority, and elucidate the key arguments for rethinking them today.

In chapter 1, "Compulsion in Religion: An Ottoman Episode," I will tell the little-known controversy in the 17th-century Ottoman Empire sparked by the militant religious movement called Kadızadelis. The zeal of this "proto-Wahhabi" movement to impose its own interpretation of religion on other Muslims was criticized by Ottoman scholars Kâtip Çelebi (d. 1657) and Abd al-Ghani al-Nabulsi (d. 1731), whose arguments against religious coercion are strikingly relevant today.

Chapter 2, "A Grave Exception: Criminalization of Apostasy," by Abdullah Saeed, will examine the starkest example of religious coercion: criminalization of apostasy from Islam with the death penalty. As Saeed will show, this verdict has no basis in the Qur'an, where enforcing religious loyalty appears only as a misdeed of tyrannical unbelievers. Its apparent basis in the prophetic tradition (Sunna) is questionable, and its historical context requires reconsideration of the idea that apostasy should be criminalized in the contemporary world.

Next, in "Compulsion in Speech: Blasphemy Laws in Pakistan and Beyond," Husnul Amin will question the idea that Muslims should severely punish offensive words—either by law or vigilante violence. Referring to incidents and discussions in his native Pakistan, he will elucidate the argument that neither the Qur'an, nor the prophetic tradition, nor reason requires such punishments, which have caused much harm to many innocents, Muslim and non-Muslim, and offered only disservice to Islam.

Mohamed Lamallam's chapter 4, "Fasting for God, Not Society: The Religious Case Against Ramadan Laws," will highlight the discussions in his native Morocco about laws that ban publicly eating or drinking during fasting hours in the holy month of Ramadan. These laws have been supported by many conservative clerics; however, they have also faced an Islamic objection: that fasting is solely for the sake of God, and therefore state pressure, even "social sensitivity," should not interfere. Lamallam will also discuss the further implications of this insight regarding other Islamic issues and Muslim societies.

In chapter 5, "How Compulsion in Religion Made Iran Less Religious," Mohamad Machine-Chian will scrutinize the experiment with religious coercion in his native Iran. For over four decades, the Islamic Republic has tried to discipline society by enforcing hijab or banning alcohol, hoping to preserve and elevate piety. But as Machine-Chian will show, the result has been the opposite. He will also highlight the views of Islamic scholars who are critical of religious policing.

In chapter 6, "No Compulsion on Women: Gender Egalitarianism in Islam," Asma Afsaruddin will address some of the key issues regarding women's rights in Islam. They include legal verdicts or religious teachings

that subordinate women to male authority, depriving them of the freedom to make their own choices regarding marriage, divorce, and other important aspects of their lives.

And chapter 7, "Separating the Sharia and the State: A Conversation with Abdullahi Ahmed An-Naim," will offer an overarching framework to ensure no compulsion in religion: separating the Sharia, which is based on sincere faith and voluntary practice, from the modern state, whose coercive laws should neither enforce nor suppress any religion.

We hope the facts and arguments related in this book can help scholars, policymakers, and ordinary Muslims gain a more nuanced view of individual liberty in Islam. Liberty is undoubtedly an Islamic value, as evidenced by the Qur'an, and how to revive and advance it is a crucial question of our times. This book is our humble effort to offer some answers.

Notes

[1] Fazlur Rahman Malik, "The Status of the Individual in Islam," in *The Status of the Individual in East and West*, ed. Charles Alexander Moore (University of Hawaii Press, 1968), p. 225.

[2] Amy Waldman, "A Nation Challenged: The Law; No TV, No Chess, No Kites: Taliban's Code, from A to Z," *New York Times*, November 22, 2001.

[3] "Afghan Women Cannot Pray Loudly or Recite in Front of Other Women, Says Taliban Minister," Associated Press, October 30, 2024.

[4] John Butt, "The Propagation of Virtue and Prevention of Vice Law, Translated into English," Afghanistan Analysts Network, August 31, 2024.

[5] Bushra Shaikh (@Bushra1Shaikh), X post, February 17, 2024.

[6] Dilly Hussain (@DillyHussain88), X post, February 20, 2024.

[7] In the words of contemporary Muslim scholar Jonathan A. C. Brown, "According to all the theories of language elaborated by Muslim legal scholars, the Qur'anic proclamation that 'There is no compulsion in religion. The right path has been distinguished from error' is as absolute and universal a statement as one finds." *Misquoting Muhammad: The Challenge and Choices of Interpreting the Prophet's Legacy* (Oneworld, 2014), p. 186.

[8] States where apostasy is a capital crime are Afghanistan, Brunei, Iran, Malaysia, Maldives, Mauritania, Qatar, Saudi Arabia, the United Arab Emirates, and Yemen.

[9] "Legislation Factsheet on Blasphemy Laws," US Commission on International Religious Freedom, September 2023.

[10] Ahmet T. Kuru, "Muslim Politics Between Sharia and Democracy," *Muslim Politics Review* 1 no. 1 (2022): 25. Political scientist Abdelwahab El-Affendi shares a similar observation: "The rising popularity of Islamist trends has posed a dual challenge for democratization. On one hand, it has created a fear among liberals that democratic forms may hand power to illiberal Islamists. On the other, despots have used the Islamist threat to resist pressures to democratize—often with support from some local liberals and major foreign powers." "What Is Liberal Islam? The Elusive Reformation," *Journal of Democracy* 14, no. 2 (2003): 37. Another parallel view comes from the Egyptian academic Moataz El Fegiery: "When Islamists fail to build the confidence of religious minorities and non-Islamist forces and exclude those who do not concede to its Islamist worldview, they motivate their opponents to exclude them in return." *Islamic Law and Human Rights: The Muslim Brotherhood in Egypt* (Cambridge Scholars Publishing, 2016), p. 240.

[11] Abubakar Siddique and Mansoor Khosrow, "Afghanistan's Shi'ite Minority Suffers 'Systematic Discrimination' Under Taliban Rule," Radio Free Europe, July 17, 2023; Muhammad Ali Nazari, "The Taliban and the Promotion of Intolerance: Non-Hanafi Religious Followers Are Under Pressure," *Hasht-e-Subh Daily*, August 24, 2024.

[12] Abdul Sayed, "The Taliban's Persistent War on Salafists in Afghanistan," *Jamestown Foundation Terrorism Monitor* 19, no. 8, September 24, 2021.

[13] The translation of al-Sharaa's statement is from Cole Bunzel, "From Jihadi to Islamist: Ahmad al-Sharaa and His Critics," *Jihadica*, January 3, 2025. Also see Hassan Ibrahim, "Shift in Religious Discourse, Will Al-Jolani Clash with HTS Sharia Scholars?," *Enab Baladi*, May 17, 2023.

[14] Bunzel, "From Jihadi to Islamist."

[15] This quote is attributed to early caliphs Umar ibn al-Khattab and Uthman ibn Affan. In his commentary on it, Saudi scholar Bin Baz further argued: "Since some people are weak in faith (*iman*), the Qur'an's prohibitions do not affect them. Rather, they resort to forbidden things and do not care. However, when they learn that there is a

punishment from the authority, they become deterred and fear the authority's punishment." See "What Is the Meaning of 'Allah Prevents by the Authority (Sultan) What He Does Not Prevent by the Qur'an'?," Islamciv.com, February 17, 2024.

[16] *Sahih al-Bukhari*, 3010.

[17] The institution of hisbah was originally established by the Prophet Muhammad, but as a means of market inspection to prevent fraud. Over time, however, its function expanded to include religious and moral policing. See Mustafa Akyol, "Freedom Matters I: *Hisbah*," in *Reopening Muslim Minds* (St. Martin's Essentials, 2021) pp. 181–94.

[18] This is the translation of 2:256 in *Sahih International*, an English-language translation of the Qur'an published by the Abul-Qasim Publishing House in Saudi Arabia.

[19] This is the translation of 2:256 in the "Smart Qur'an" app provided by the religious ministry of Malaysia, or JAKIM, available at www.islam.gov.my.

[20] An example from a Turkish Islamic scholar: "Ahmet Vanlıoğlu: Dinde Zorlama Vardır!" [There is compulsion in religion!], MihrapHaber.com, July 10, 2017. Another conservative Turkish preacher also makes the same point: "No compulsion in religion means there is no compulsion in becoming a Muslim. . . . But if you are saying 'I am a Muslim,' there is compulsion in religion. . . . There is punishment in law for not performing daily prayers. There is punishment for not fasting; there is beating." Halil Konakçı, "Dinde Zorlama Yoktur Diyenler İzleyin" [Those who say there is no compulsion in religion: watch], YouTube.com, June 6, 2021.

[21] Fazlur Rahman, "The Status of the Individual in Islam," in *The Status of the Individual in East and West*, ed. Charles Alexander Moore (University of Hawaii Press, 1968), p. 221.

[22] Rahman, "Status of the Individual in Islam," p. 222.

[23] Mustafa Akyol, "Liberty Was Islam's First Call," Online Library of Liberty, October 12, 2021.

[24] Louay Fatoohi, *Abrogation in the Qur'an and Islamic Law* (Routledge, 2012), p. 8. Most of these verses were assumed to be annulled by the "verse of the sword"—a late term in the Islamic tradition for verse 9:5—which could well have been taken as reflective of an exceptionally violent context, instead of setting the ground rule for all times.

[25] Fatoohi, *Abrogation in the Qur'an*, pp. 114–15.

[26] For a contemporary view that 2:256 was "abrogated," see "There Is No Compulsion to Accept Islam," IslamQA.info, December 12, 2002. The author also justifies religious coercion with this argument: "Obliging a person to adhere to the truth in which is guidance and happiness is better for him than falsehood. Just as a person may be forced to do the duty that he owes to other people even if that is by means of imprisonment or beating."

[27] Patricia Crone, "No Compulsion in Religion: Q. 2:256 in Mediaeval and Modern Interpretation," in *The Qur'ānic Pagans and Related Matters: Collected Studies in Three Volumes*, ed. Hanna Siurua (Brill: 2016), vol. 1, p. 363.

[28] S. A. Rahman, *Punishment of Apostasy in Islam* (Other Press, 2006), p. 8.

[29] Fatoohi, *Abrogation in the Qur'an*, p. 243.

[30] A pioneer of this trend was Shah Waliullah Dehlawi (d. 1762), a prominent Indian Islamic scholar and reformer, who argued that, strictly speaking, only five verses of the Qur'an could be considered as being abrogated, in contrast to earlier classical jurists who accepted the abrogation of dozens or even hundreds of verses. See Shah Waliyyullah, *Al-Fawz al-Kabir fi Usul at-Tafsir: The Great Victory on Quranic Hermeneutics*, trans. Tahir Mahmood Kiani (Ta-Ha Publishers, 2014), p. 82.

CHAPTER 1

Compulsion in Religion
An Ottoman Episode

Mustafa Akyol

God preserve us from those who show fanaticism in religion.
—Ottoman scholar Taşköprülüzade Ahmed (d. 1561)[1]

The 17th century was a turbulent era for the Ottoman Empire, the Muslim superpower of the time that held the caliphate, the political leadership of Sunni Islam, and controlled much of what we today call "the Middle East." In the previous century, the empire had reached the zenith of its power, especially during the victorious reign of Sultan Süleyman the Magnificent (1520–1566), extending its western borders all the way to Vienna. Soon afterward, however, a long period of stagnation began, tainted by external setbacks and internal rebellions.

No wonder, in that century, that some Ottoman scholars began to ponder what went wrong and what needed to be fixed. One of them was Koçi Bey (d. 1650), a high-ranking bureaucrat who submitted critical reports to two subsequent sultans in which he pointed out serious problems, such as corruption in the military, bribery in the bureaucracy, nepotism among religious scholars, and a heavy yet inefficient system of taxation. Another scholar, the polymath Kâtip Çelebi (d. 1657), probably the most important Ottoman intellectual of the 17th century, also criticized narrow-minded religious scholars who "rejected and repudiated the new sciences," such as geometry and astronomy.[2] In his remarkable book, *Mîzânü'l-Hakk*, or *The Balance of Truth*, he wrote that

Muslims were initially hungry for all knowledge, which is why they translated and studied "sciences of the ancients," especially the Greek philosophers. However, Çelebi lamented, a latter-day dogmatism ended this openness and led to "denial of science which is so prevalent among the people."[3]

Both of these scholars—still remembered and respected in Turkey—called for military and administrative *islahat*, or reforms, to plant the first seeds of much greater reforms that the empire could pursue in the next two centuries.

However, also in the 17th century, another Ottoman movement emerged that was also concerned with the empire's decline but found the culprit, and the solution, in a very different direction.

Kadızadelis Against *Bid'ah*

This revival movement was the religious group called the Kadızadelis (meaning "Kadızade-ites"), named after Kadızade Mehmed (d. 1635), an Anatolian preacher whose fiery sermons brought him much popularity, as well as the pulpits of the empire's greatest mosques in Istanbul, including the majestic Hagia Sophia. He was a disciple of Mehmed Birgivi (d. 1573), a prominent Ottoman scholar of hadith and jurisprudence known for his strict views, who was influenced by the famous Ibn Taymiyya (d. 1263), a pioneer of the Salafi strain in Sunni Islam.[4] For such doctrinal links and other similarities that we will see, Kadızadelis have been compared with Wahhabis, another religious movement that would emerge a century later on the Arabian Peninsula and be characterized by a zeal to "purify" Islam by imposing their stern version on the whole Muslim society. Hence, some historians see the Kadızadelis as "proto-Wahhabis."[5]

As noted, the Kadızadelis were also concerned with the decline of the Ottoman Empire. But they tied the problem to something very peculiar: the spread of *bid'ah*, a religious term that literally means "innovation," but only in the pejorative sense of deviation from the established truth. In their view, the Qur'an and the Sunna, the normative example of the Prophet Muhammad (peace be upon him), had given Muslims all the wisdom they needed, and

therefore any "innovation" was tantamount to heresy. The eradication of all heresy, they also believed, would restore the empire's golden days.

What were these heresies that bothered the Kadızadelis? They had a long list of *bid'ah*. At the top of that list was Sufism, the mystical tradition in Islam, practiced by religious orders that engaged in singing, rhythmic chanting, and whirling. Visiting shrines of saints, another Sufi practice, was also a heresy, if not outright infidelity. Kadızadeli preachers fiercely condemned these Sufi practices from mosque pulpits, finding many ears among the common people, including "poor medrese students and humble tradesmen."[6] They also saw a direct link between Sufism and the empire's misfortunes. In 1655, when a Venetian armada blockaded the Turkish Straits of Dardanelles—a shocking sign of Ottoman naval military weakness—Kadızadelis claimed that this was a divine punishment for the official support given to Sufi orders by the Ottoman state.[7] Sufis, in return, called the Kadızadelis *ehl-i ta'assub*, or "people of bigotry."[8]

The two other important bid'ah reviled by the Kadızadelis were drinking coffee and smoking tobacco, both of which were indeed novelties in Ottoman society. Coffee dated back centuries, first to its origin in Ethiopia and later in Yemen, but it was in the mid-16th century that it became popular across the Ottoman Empire, from where it also spread to Europe. (Hence, the very English word "coffee" comes from the Arabic word *qahwah* and its Turkish version, *kahve*.) In contrast, tobacco originated in the Americas, from where it spread to Europe and then to the Ottoman Empire, again in the mid-16th century. At this time, coffeehouses, where tobacco was also widely available, became wildly popular in Ottoman cities, creating a new public space and religious controversy. The latter included a prohibition in Mecca in 1511 and condemnations by various religious scholars, including the Ottoman jurist Ahmad al-Rumi al-Aqhisari (d. 1632). He denounced both tobacco, a "substance that originated from the infidels," and coffee, which "violates manliness" and makes one "mingle with the fools and the vile," as *haram* or impermissible.[9] Kadızadelis embraced this view and added both coffee and tobacco consumption to their list of heresies.

Kadızadelis even condemned certain table manners, such as using cutlery, as "innovations," because they believed that eating food with the bare hands was a part of the Prophet's Sunna (whereas one could say that cutlery was just unavailable in the Prophet's time and milieu). In a reported episode, a Kadızadeli Ahmed, a member of the movement, was asked, "Using spoons is an innovation, so what is your take on that?" He replied, "Let people eat food with their hands." Then he was asked, "But what should the spoon-makers do?" He replied, "Let them find another job."[10]

Unsurprisingly, the Kadızadelis were also against the "rational sciences" that intellectuals such as Kâtip Çelebi wanted to revive.[11] Hence, they demanded "the abolition of mathematics and the intellectual sciences from the medreses."[12] They even wanted to tear down multiple minarets in Istanbul's majestic imperial mosques, because they believed that the Sunna required having just one minaret, and building additional ones was a bid'ah.[13]

Compulsion Against Bid'ah

Now, here is the key point that makes this Ottoman episode relevant to the focus of our book, compulsion in religion: The Kadızadelis did not merely preach against what they perceived as heresy; they also wanted to eradicate all heresy by force. The main preacher of the group, Kadızade Mehmed, "asked of his adherents not only that they purify their own lives, but that they seek out sinners and in effect force them back onto 'the straight path.'"[14] This forcing back would be carried out by all means necessary, regardless of what other Muslims thought and believed.

Unsurprisingly, the Kadızadeli movement caused a major disruption in Ottoman society, from the early 1630s to the late 1680s.[15] Convinced that all bid'ah must be forcefully eradicated, Kadızadeli mobs began raiding mosques, Sufi lodges, and coffeehouses in order to "mete out punishments to those contravening their version of orthodoxy."[16] As described by a contemporary Turkish historian:

> They raided dervish lodges, harassed sheikhs, and caused the deaths of some dervishes. They threatened [the top jurist] Sheikh al-Islam Baha'i

> Efendi, a member of a Sufi order, forcing him to issue a fatwa declaring *devran* [Sufi whirling] unlawful. They sent a letter to the sheikh of the [Sufi] Sivasi lodge, stating that they would raid the lodge, kill him and his disciples, destroy the lodge to its foundations, and scatter its soil into the sea, declaring that prayers would not be performed there until this was done.[17]

As one could imagine, the Kadızadelis had no patience for criticism. When two members of the Sufi Halveti order wrote refutations of their main texts, they appealed to the top jurist and the sultan to have the offenders executed. Scared by the threat, one of the authors disowned his manuscript, while the other one fled the capital Istanbul.[18]

Kadızadeli activism escalated to a higher level when the Ottoman Sultan Murad IV (r. 1623–1640) partly embraced their teachings toward the end of his reign. Threatened by insubordinate soldiers and palace conspiracies, the young Murad, crowned when he was only 11 years old, was a paranoid ruler who executed some of his own officials and ruthlessly suppressed any dissent. He was lenient on the Sufi orders, but another target of the Kadızadelis, coffeehouses, concerned him, as they could be places where subversive ideas could spread. Therefore, in early 1633, also infuriated by a major fire in Istanbul, the sultan followed the Kadızadeli calls to outlaw coffee and tobacco across the empire. In a few days, hundreds of coffeehouses in the capital were demolished. Criers came out onto streets to announce that smoking tobacco or drinking coffee was now such a major offense that violators would be immediately put to death.

The same prohibition was also decreed for wine, which was always banned for Muslims but with limited enforcement. Non-Muslim communities of the empire, meanwhile, were usually allowed to produce and sell wine, and the taverns in their neighborhoods sometimes had Muslim customers as well. Hence, Kadızadeli preachers convinced Sultan Murad IV to demolish all taverns in Istanbul, as they would do again under his nephew Sultan Mehmed IV (r. 1648–1687): "No person is to bring wine from within or without the city, and is not to buy and sell and drink wine," it was declared. "Those who do so are to be given severe punishment."[19]

"Men Desire What Is Forbidden"

Despite these severe bans imposed by Sultan Murad IV, many Ottomans were not willing to give up what they enjoyed, as we learn from Kâtip Çelebi:

> People being undeterred, the imperial anger necessitated the chastisement of those who, by smoking, committed the sin of disobedience to the imperial command. Gradually His Majesty's severity in suppression increased, and so did people's desire to smoke, in accordance with the saying, "Men desire what is forbidden," and many thousands of men were sent to the abode of nothingness.[20]

Those unfortunate deportees to "the abode of nothingness" were executed with terrible methods, including hanging, dismemberment, and impalement.[21] The sultan also sent out secret police to find violators, and even began personally touring the city at night, incognito, to punish those who indulged in coffee, tobacco, or wine. There are stories from the era about people joking whether the mighty sultan was around them, only to chillingly discover that he really was. The next morning, pedestrians would find their decapitated bodies on the streets.

Yet again, these brutal bans did not change much in Ottoman society and its habits. Kâtip Çelebi stresses this point, relating an episode from Sultan Murad IV's military expedition to Baghdad in 1638:

> At one halting-place fifteen or twenty leading men of the army were arrested on a charge of smoking, and were put to death with the severest torture in the imperial presence. Some of the soldiers carried short pipes in their sleeves, some in their pockets, and they found an opportunity to smoke even during the executions. . . . Even during this rigorous prohibition, the number of smokers exceeded that of the non-smokers.[22]

Ironically, the same Sultan Murad IV, who would execute anyone for their harmless pleasures, was himself a heavy wine drinker, which caused his premature death in 1640, at the age of 27.[23] Afterward, the imperial policy on coffee and tobacco gradually turned more lenient, and coffeehouses became popular again, never to disappear.

However, for a few more decades, the Kadızadelis kept campaigning zealously against any bid'ah, which they tried to eradicate as much as they could. During the long reign of Sultan Mehmed IV, and under the leadership of their second great preacher, Mehmed Üstüvani Efendi (d. 1661), the movement saw another opportunity. Eager to "destroy Sufi lodges, forcing their opponents to renew their faith or face death," they gathered in 1656 in the vicinity of Istanbul's Fatih Mosque "with weapons, ready for action and calling the people to rally to arms."[24] However, Grand Vizier Mehmed Köprülü, a prudent statesman, would respond to this serious threat to public order by expelling top Kadızadeli preachers from Istanbul.[25]

The movement's ultimate decline came only after it dragged the Ottoman Empire into a historic disaster: the second Siege of Vienna (1683), which was launched with much confidence and bravado, only to end in a catastrophic military defeat that pushed the empire further into decline. The campaign was incited by Vani Mehmed Efendi (d. 1685), the third and last great preacher of the Kadızadelis, who had risen up to exert influence over the sultan and the grand vizier, convincing them that victory was inevitable thanks to prayers, piety, and the renewed campaigns of "commanding the right" that he had helped inflame within the empire.[26] After the crushing defeat, however, Vani Mehmed Efendi was dismissed and banished, as "no one could any longer stomach his goading to jihad or his harsh criticism of contemporary Muslim practices."[27]

That moment also marked the waning of the Kadızadeli movement, which finally lost its grip on the Ottoman state toward the end of the 17th century. Over the next two centuries, most of the Ottoman ruling elite would see the empire's salvation not in eradicating bid'ah, but in embracing much-delayed innovations, such as military reforms, the printing press, and many other European inventions, sciences, and institutions. And while these reforms would bring significant improvements, the empire would never be able to fully overcome the disadvantage of its late start in modernization.

How to "Command the Right and Forbid the Wrong"?

Today, most Muslims cannot even imagine being brutally punished for sipping their coffee, which is now a nonissue in Islam. Yet this was a nightmare the Kadızadelis imposed on Ottoman society in the 17th century. How they did this deserves a closer look, as it remains conceptually relevant.

The key scriptural basis they claimed was the Qur'anic concept of *al-amr bi'l-ma'ruf wa'l-nahy 'an al-munkar,* or "commanding the right and forbidding the wrong." In the Qur'an, in eight separate verses, it is defined as a religious duty that God has decreed on Muslims.[28] One of these verses even calls for a specific group to carry out the duty: "Let there be a group among you who call others to goodness, encourage what is good, and forbid what is evil; it is they who will be successful" (3:104). That is why religious police forces in the contemporary Muslim world, from Afghanistan to Saudi Arabia, define themselves as ministries for "commanding the right and forbidding the wrong."

Historically, too, "commanding the right," as we will call the duty, has been a central concept in Muslim societies. While *jihad* has been defined as the duty to protect Islam from external threats, commanding the right has been conceived as the duty to keep internal affairs in order.[29]

However, as with jihad, how this duty is exactly carried out matters a lot. The Qur'an does not provide specific details, so interpretations of "commanding the right" have varied throughout history. It could mean merely preaching the tenets of Islam or defending them intellectually against critics. Or it could mean speaking up against a tyrannical ruler and even launching a rebellion.[30] But it could also mean the enforcement of every aspect of religion—from correct action to correct belief—either by officially appointed police forces or by ordinary Muslims.[31] This latter interpretation opened the way to religious coercion, and the Kadızadelis had shown how far it could go, terrorizing a whole Muslim society.

But was there a good religious argument against such religious coercion?

Yes, there was, and we find it in the writings of another prominent Ottoman

religious scholar of that era, Abd al-Ghani al-Nabulsi (d. 1731). Born into a scholarly family from Nablus, Palestine, as his attributive name shows, he was a religious teacher who followed Hanafi jurisprudence, Maturidi theology, and the Sufi orders of the Qadiriyyah and the Naqshbandiyyah. He lived in Damascus, then an Ottoman city and the biggest Kadızadeli stronghold after Istanbul. Hence, al-Nabulsi felt the need to respond to the Kadızadelis' militancy, but not with countermilitancy. Instead, he tried to put out flames with arguments of moderation, as seen in the very title of a book he wrote against the harsh bans on tobacco: *Al-Sulh bayn al-Ikhwan fi Hukm Ibahat al-Dukhan*, or *Making Peace Between Brothers on the Issue of Legalizing Smoking*.[32]

Even more important was his response to the key text of the Kadızadeli movement: Birgivi's *Tariqa Muhammadiya*, or *Muhammadan Way*. Al-Nabulsi wrote a five-volume critical commentary on this text, completed in 1682, with the innocuous title, *Al-Hadiqah al-Nadiyyah*, or *The Dew-Moistened Garden*. Here, he discussed many controversial issues of the time, but we will focus on his arguments against compulsion in religion, as they are highly original and timelessly relevant.

"A Matter of the Tongue"

In his commentary, al-Nabulsi first stressed the difference between the Qur'anic duty of "commanding the right" and *hisbah*. The latter is an Arabic word that literally means "accountability," but it often refers to official inspectors in traditional Islamic societies—also called *muhtasib*, or "those who carry out hisbah." According to Muslim historiography, the first hisbah mission was established by none other than the Prophet Muhammad, but it was to prevent fraud in the Medina market, not to enforce a religious practice.[33] Yet over time, enforcing religious practice became a key feature of hisbah. Meanwhile, many scholars saw hisbah as the main vehicle for "commanding the right," often conflating the two concepts.

Yet al-Nabulsi insisted that the two concepts had to be separated: While hisbah was clearly a police function, "commanding the right" about religious

matters was "purely a matter of the tongue."[34] It was, in other words, limited to advice and preaching. Moreover, people had the right to discard this preaching, as al-Nabulsi argued by referring to Qur'anic verses:

> In summary, "commanding the good and forbidding the wrong" refers to the tongue, and it is the truthful opinion. As God Almighty said: "And say, 'Truth is from your Lord. Whoever wants, let him believe and whoever wants, let him disbelieve'" [18:29]. The meaning of this verse is not to force people to obey the command and avoid the prohibition. That is why God Almighty said to His Prophet, whom He sent to deliver the command and prohibition: "Do you want to coerce people until they become believers?" [10:99]. And God Almighty said: "No compulsion in religion" [2:256].[35]

This is a remarkable passage, because it shows that al-Nabulsi, unlike most traditional scholars, considered the key Qur'anic verses on freedom—18:29, 10:99, and 2:256—neither "abrogated" nor limited to merely allowing the People of the Book to keep their religion. He rather used them to rule out religious coercion within Islam as well. It is a rare but crucial premodern precedent to the modern interpretations of these verses toward full-fledged religious freedom.[36]

Back in al-Nabulsi's time and milieu, his emphasis on "No compulsion in religion" implied that the Kadızadelis, or other Muslims who favor religious coercion, had the right to preach their doctrines but not to enforce them. They just did not have the right to "make people obey the command and avoid the prohibition."

Moreover, al-Nabulsi did not even stop there and took on the Kadızadelis' claim to piety, questioning their real intentions. Such zealots typically claimed to be the most pious Muslims with the purest intentions to serve God and His religion. But al-Nabulsi rather saw in them an urge to elevate their own selves, with impure motives such as

> Boastfulness, seeking fame and self-praise, harboring personal grudges, despising others, satisfying their own ego by looking down on them,

> seeking superiority through that action, aspiring to leadership over people, desiring others to turn their attention to them, and absolving themselves of any association with that wrongdoing.[37]

Religious coercion, in other words, could simply be an "ego trip" of the self-righteous, not a real service to religion itself.[38] What Muslims really needed was "less self-righteousness and more self-knowledge."[39] With the same line of reasoning, in a letter penned in 1699, al-Nabulsi advised his correspondent against "busying himself with judging others," and reminded him of another important Qur'anic verse (5:105):

> You who believe, you are responsible for your own souls; if anyone else goes astray it will not harm you so long as you follow the guidance; you will all return to God, and He will make you realize what you have done.

This also was a remarkable reference to the Qur'an, because most traditional scholars commented on this verse by taking pains to ensure that it does not take Muslims away from the duty of "commanding the right."[40] With the same concern, some even considered it "abrogated."[41] But for al-Nabulsi, the verse was valid and pivotal, offering a mind-your-own-piety kind of lesson to arrogant piety enforcers.

"The Best Course Is Not to Interfere with Anyone"

Besides al-Nabulsi, another Ottoman scholar of the time who criticized the Kadızadeli zealotry was the aforementioned Kâtip Çelebi. We already have seen his comments on how Sultan Murad IV's brutal bans on tobacco proved disastrous—and counterproductive, because, as he wrote, "Men desire what is forbidden." In the same book where he shared those remarks, *The Balance of Truth*, Kâtip Çelebi also took on the obsession to eradicate bid'ah. After reminding that "innovations" could actually be "good" or "bad"—a nuance noted by the wiser religious scholars—he offered a sociological argument for not interfering with any of them:

> All we wish to say is this: these innovations are all firmly based on custom and habit. Once an innovation has taken root and become

> established in a community, it is the height of stupidity and ignorance to invoke the principle of "enjoining right and forbidding wrong" and to hope to constrain the people to abandon it. People will not give up anything to which they have grown accustomed, whether it be Sunna or innovation, unless some man of blood massacre them all. The Sunnite sultans, for example, have fought many wars and battles over innovations in doctrine, but to no avail.[42]

So what had to be done? Referring to the controversy over tobacco as an example, Çelebi praised "God-fearing men who themselves piously refrain, but do not interfere with smokers."[43] So piety was a beautiful thing when it was personally exercised—but it was not to be imposed on others. "The best course," he concluded, "is not to interfere with anyone."[44] And this non-interference idea, he explained, should be a key principle regarding religion in Muslim society:

> For the rulers, what is necessary is to protect the Muslim social order and to maintain the obligations and principles of Islam among the people. As for the preachers, they will have done their duty if they gently admonish and advise the people to turn towards the Sunna and to beware of innovation. *The duty of complying belongs to the people; they cannot be forced to comply.*[45]

This was really a remarkable comment by a 17th-century Ottoman Muslim scholar, anticipating what the Catholic Pope John Paul II would proclaim in the late 20th century: religion should be "proposed, not imposed."[46] It was also a reaffirmation of that much-neglected Qur'anic maxim "No compulsion in religion" in its fullest meaning.

"Most Fighting and Strife Between Muslims . . ."

Before turning the page on this 17th-century Ottoman episode of religious coercion, another aspect of it is worth stressing: It caused much tension, division, hatred, and violence among Muslims of the empire. Had the Kadızadelis

merely preached their views, bitter fights would have been avoided and many lives would have been saved. The differing sides could even learn a few things from each other. But self-righteous zealotry made this live-and-let-live solution impossible.

The ever-wise Kâtip Çelebi pointed to this problem as well in a remarkable passage in his book that is worth quoting in full. He wrote:

> The most noble Prophet [Muhammad] used to deal kindly and generously with his community. The arrogant men of later time, not seeing the disgrace of running counter to him, label some of the community as infidels, some as heretics, some as profligates, for trifling reasons, without fear of God or shame before His Prophet. They bring the people to the grievous state of fanaticism, and cause dissension. . . . The baseless wrangling in which they engage, with stone-like stupidity, sometimes leads to bloodshed. *Most fighting and strife between Muslims arises from this cause.*[47]

It is remarkable—and regrettable—to read these lines almost 400 years later, because the problem is still present. Today, still, "most fighting and strife between Muslims arises from this cause," which is self-righteous zealotry. In various corners of the Muslim world, as well as the borderless world of the internet, one can come across myriad Islamic groups or individuals who revile other Muslims as "infidels," "heretics," or "profligates." Accusations of *kufr* (infidelity), *riddah* (apostasy), *zandaqah* (clandestine apostasy), *sabb* (blasphemy), and *bid'ah* (heresy) are still weaponized, with a zeal to "command the right and forbid the wrong." When those who make these accusations capture power, they tend to enforce their own view of true Islam, while suppressing those of others, sometimes brutally.[48] When the rival parties capture power, tables are often turned. Although most Muslims are uninterested in these zealotries, if not openly troubled by them, the zealots are vocal enough to foment recurrent tensions and conflicts.

That is because one Muslim's "heresy" is another Muslim's sincerely held truth. Therefore, when suppressing heresy is justified on principle, anyone's

truth can become the next victim. The victim can become the victimizer, too, and there is nothing to be proud of in that.

The ultimate remedy to this malaise is what Kâtip Çelebi advised in his time: that preachers of Islam should "gently admonish and advise the people," at most, while granting that people "cannot be forced to comply." Compliance should only be voluntary, not compulsory.

However, arriving at this live-and-let-live solution requires revisiting certain rulings in traditional Islamic jurisprudence—*fiqh*, the human interpretation of the Sharia—that criminalize certain beliefs and expressions. The first and foremost among them, weaponized by many zealots from the Kadızadelis to contemporary militants, is the verdict on riddah, or apostasy, which is the death penalty. Hence, our next chapter will be about this major exception brought on to the Qur'anic maxim "No compulsion in religion."

Notes

[1] Halil İnalcık, *The Ottoman Empire: The Classical Age, 1300–1600* (Phoenix, 2000), p. 183.

[2] Kâtip Çelebi's book, penned around 1656, was translated into English as *The Balance of Truth*. The quotes in this chapter are from that volume: Kâtip Çelebi, *The Balance of Truth*, trans. G. L. Lewis (Allen & Unwin, 1957). This quote is on p. 24. For a modern Turkish edition of the book, see Kâtip Çelebi, *Mîzânü'l-Hakk fi İhtiyâri'l-Ehakk*, ed. Orhan Şaik Gökyay (Tercüman 1001 Temel Eser, 1980).

[3] Çelebi, *Balance of Truth*, pp. 24–25.

[4] Birgivi, for example, was known for his opposition to cash foundations in the Ottoman Empire that lent money with interest. This was an "innovation" permitted by the top jurist, Shaykh al-Islam Ebussuud Efendi (d. 1574), out of pragmatic considerations, but Birgivi sharply condemned it in his accurately titled book, *The Sharp Sword for the Inadmissibility of the Movable and Cash Waqfs*. See Jon E. Mandaville, "The Cash Waqf Controversy in the Ottoman Empire," *International Journal of Middle East Studies* 10, no. 3 (1979): 305–6.

[5] Ali Yaycıoğlu, "Guarding Traditions and Laws: Disciplining Bodies and Souls," *Modern Asian Studies* 52, no. 5 (2018): 1581. James Muhammad Dawud Currie also

observes: "The similarities between the Ottoman Kadızadeli movement and the Muwahhidun movement of Muhammad ibn Abd al-Wahhab are striking." "Kadızadeli Ottoman Scholarship, Muḥammad ibn 'Abd al-Wahhāb, and the Rise of the Saudi State," *Journal of Islamic Studies* 26, no. 3 (2015): 265.

[6] İnalcık, *The Ottoman Empire*, p. 184.

[7] Semiramis Çavuşoğlu, "Kadızâdeliler," *İslam Ansiklopedisi* (Türkiye Diyanet Vakfı, 2001), vol. 24, p. 101.

[8] Simeon Evstatiev, "The Qāḍīzādeli Movement and the Revival of Takfir in the Ottoman Age," in *Accusations of Unbelief in Islam: A Diachronic Perspective on Takfir*, ed. Camilla Adang et al. (Brill, 2015), p. 221.

[9] Mustapha Sheikh, *Ottoman Puritanism and Its Discontents: Ahmad al-Rumi al-Aqhisari and the Qadizadelis* (Oxford University Press, 2016), pp. 192, 195.

[10] Gürsoy Şahin, "XVII. Yüzyılda Osmanlı Devleti'nde Gelenekçi bir Akım Olarak Kadızâdeli Hareketi'nin Dini Algılayışı ve Bunun Kanun-ı Kadim'le İlişkilendirilmesi," *Tarih Dergisi* (İstanbul, 2007), p. 43.

[11] Çelebi, *Balance of Truth*, p. 130.

[12] İnalcık, *The Ottoman Empire*, p. 184.

[13] Çavuşoğlu, "Kadızâdeliler," p. 101.

[14] Evstatiev, "The Qāḍīzādeli Movement," p. 221.

[15] Madeline C. Zilfi, "The Kadızadelis: Discordant Revivalism in Seventeenth-Century Istanbul," *Journal of Near Eastern Studies* 45, no. 4 (1986): 251.

[16] Sheikh, *Ottoman Puritanism*, p. 229.

[17] Ekrem Buğra Ekinci, "The Ottomans Also Struggled with Salafis . . . Kadızade Movement," December 18, 2024.

[18] Madeline C. Zilfi, "Vaizan and Ulema in the Kadızadeli Era," paper presented at X. Türk Tarih Kongresi, Ankara (1986), p. 2496. These two scholars were Kefevî Hüseyin Efendi and Mehmed Efendi, also known as Kürd Molla. Muammer Göçmen, "Üstüvânî Mehmed Efendi," *İslam Ansiklopedisi* (Türkiye Diyanet Vakfı, 2012), vol. 42, p. 397.

[19] Marc David Baer, *Honored by the Glory of Islam: Conversion and Conquest in Ottoman Europe* (Oxford University Press, 2008), pp. 117–18.

[20] Çelebi, *Balance of Truth*, p. 51.

[21] Evstatiev, "The Qāḍīzādeli Movement," p. 221.

[22] Çelebi, *Balance of Truth*, pp. 51–52.

[23] *Britannica*, "Murad IV," accessed February 4, 2025.

[24] Currie, "Rise of the Saudi State," p. 271.

[25] Currie, "Rise of the Saudi State," p. 271.

[26] See Baer, *Honored by the Glory of Islam*, pp. 206–10, 226. According to Baer, Vani Efendi's "understanding of history also promoted the idea that when those of true faith go to war, their piety is rewarded" (p. 206). In the same worldview, there was "a direct link between waging war abroad and enjoining the good and forbidding wrong at home" (p. 117).

[27] Baer, *Honored by the Glory of Islam*, p. 226.

[28] See verses 3:104, 3:110, 3:114, 7:157, 9:71, 9:112, 22:41, and 31:17.

[29] The comparison with jihad is offered by Mustafa Çağrıcı in "Emir bi'l-ma'ruf nehiy ani'l-münker," *İslam Ansiklopedisi* (Türkiye Diyanet Vakfı, 1995), vol. 11, p. 139.

[30] For a detailed examination of different interpretations of the duty, see Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge University Press, 2004). He points to "an early approach which tends to present the duty as simply one of enjoining belief in God and His Prophet" (p. 22).

[31] Cook finds an early example of this maximalist interpretation of the duty in the exegesis by al-Tabari (d. 923), who, while commenting on verse 9:112, stresses that "'commanding right' refers to *all* that God and His Prophet have commanded, and 'forbidding wrong' to *all* that they have forbidden." Cook, *Commanding Right*, p. 24 (emphasis in original).

[32] The 1774 manuscript of the book, copied from the author's own handwritten version, is available in the al-Nabulsi collection at the National Library of Israel: https://blog.nli.org.il/en/smoking/.

[33] See Mustafa Akyol, "The Evolution of the Muhtasib," in *Reopening Muslim Minds: A Return to Reason, Freedom, and Tolerance* (St. Martin's Press, 2021), pp. 184–89.

[34] That paraphrase is from Cook, *Commanding Right*, p. 326.

[35] Abd al-Ghani Al-Nabulsi, *Al-Hadiqah al-Nadiyyah Sharh al-Tariqah al-Muhammadiyyah wa 'l-Sirah al-Ahmadiyyah* (Dar Al-Kutub Al-Ilmiyyah, 2016), vol. 4, p. 192. Partial translation from Arabic for this book is by Mohamed Lamallam.

[36] With regard to Al-Nabulsi's reference to the "No compulsion in religion" verse against compulsion within Islam, Michael Cook says, "I have not seen Q2:256 used in this way elsewhere." *Commanding Right*, p. 326, n147.

[37] Al-Nabulsi, *Al-Hadiqah al-Nadiyyah*, vol. 4, p. 192.

[38] The term "ego trip" is from Cook, *Commanding Right*, p. 327.

[39] Cook, *Commanding Right*, p. 327.

[40] As noted in an overview of the exegetical tradition, "The commentators' primary concern with this verse was the extent to which the idea that one was morally responsible for only oneself would compromise the importance of enjoining the right and forbidding the wrong." Seyyed Hossein Nasr, ed., *The Study Quran: A New Translation and Commentary* (HarperOne, 2015), p. 330.

[41] Cook, *Commanding Right*, p. 30.

[42] Çelebi, *Balance of Truth*, pp. 89, 90.

[43] Çelebi, *Balance of Truth*, p. 58.

[44] Çelebi, *Balance of Truth*, p. 58.

[45] Çelebi, *Balance of Truth*, p. 90 (emphasis added).

[46] See Carl E. Olson, "Vatican II and Religious Freedom: Rupture or Authentic Development?," *Catholic World Report*, December 10, 2022. The original phrase by the pope, in his 1990 encyclical titled *Redemptoris Missio*, reads: "The Church proposes; she imposes nothing. She respects individuals and cultures, and she honors the sanctuary of conscience."

[47] Çelebi, *Balance of Truth*, pp. 108–9 (emphasis added).

[48] This fact was also regretfully observed in the Marrakesh Declaration of 2016, signed by more than 250 Muslim religious leaders, heads of state, and scholars: "Conditions in various parts of the Muslim World have deteriorated dangerously due to the use of violence and armed struggle as a tool for . . . imposing one's point of view."

CHAPTER 2

A Grave Exception
Criminalization of Apostasy

Abdullah Saeed

> *Human beings are too dignified and too dear to God for Him to grant them moral responsibility, then rob them of the freedom to make their own decisions.*
>
> —Islamic scholar Taha Jabir al-Alwani[1]

Nasr Hamid Abu Zayd, an Egyptian scholar of Islamic studies, was a respected academic at Cairo University. Yet in May 1992, his application for promotion to full professor, which involved a review of his publications by a three-member faculty committee, dramatically changed his life. Two reviewers praised his contextual and "humanistic" approach to Qur'anic interpretation, which did not deny the divine source of the Islamic scripture but emphasized its engagement with human culture. However, the third reviewer, Abdul Sabour Shahin, sharply criticized Abu Zayd's scholarship, labeling his ideas heretical and accusing him of transgressing Islamic boundaries.

Abdul Sabour Shahin also preached at a mosque, where he soon publicly declared Abu Zayd a *murtadd*, or "apostate"—a charge for which conviction carries the death penalty in traditional Islamic law. Although Egypt's Penal Code did not criminalize apostasy, some lawyers invoked the *hisbah* doctrine, which is associated with upholding community morals, thus enabling citizens to sue for perceived violations of Islamic principles to initiate a legal

battle against Abu Zayd.[2] In June 1995, the Cairo Court of Appeals declared that Abu Zayd was indeed an "apostate" and ordered his separation from his wife, Ibtihal Younis, on the grounds that a Muslim woman cannot be married to a non-Muslim man under Islamic law. Meanwhile, death threats came from extremist groups, such as the Egyptian Islamic Jihad, forcing Abu Zayd and his wife to flee to the Netherlands, where he continued his work as a professor. He could return to Egypt only silently 15 years later, in 2010, shortly before dying of an illness.[3]

What is most ironic in this tragic story is that Nasr Hamid Abu Zayd, targeted for being a renegade from Islam, never renounced Islam and consistently identified as a devout Muslim. His real "crime," in other words, was not rejecting Islam but challenging its orthodox interpretations, which were rigidly enforced by certain self-appointed guardians.

Notably, the late Egyptian scholar was just one of many targets of the guardians of orthodoxy. In recent decades, numerous Muslim thinkers have been branded as "apostates" merely for expressing unorthodox ideas—thus facing threats, imprisonment, or even death. In Sudan, prominent Islamic scholar Mahmoud Mohammed Taha was publicly hanged in 1985 for "apostasy" merely because of his novel interpretation of the Qur'an.[4] In Iran, in the early 2000s, the Shia religious scholar Hasan Yousefi Eshkevari and historian Hashem Aghajari both were put on trial for "apostasy" merely for their reformist views, and both were jailed for years.[5] Even in democratic Indonesia, Ulil Abshar Abdalla, a Muslim scholar and the founder of the Liberal Islam Network, faced death threats in 2002, followed by a failed bomb attack on his office, for espousing reformist ideas branded as "apostasy."[6]

Meanwhile, terrorist groups that act in the name of Islam—such as ISIS, Al Qaeda, or Boko Haram—have used more extreme applications of the apostasy law by branding large groups of Muslims as defectors from religion, only to violently target them en masse, even during prayers in mosques. That is why such extremists are called *takfiri*—a term used to describe those who declare other Muslims to be *kuffar* (unbelievers), effectively labeling them as apostates.

Throughout history, accusations of apostasy have been used to police religious thought. During the Umayyad Caliphate, theologians Ma'bad al-Juhani (d. 699) and Ghaylan al-Dimashqi (d. ca. 723) were executed mainly for defending human free will against absolute predestinarianism—a doctrine favored by rulers as it absolved them of accountability.[7] During the Abbasid Caliphate, prominent figures such as the polymath Ibn al-Muqaffa' (d. 757), Sufi mystic Mansur al-Hallaj (d. 922), and religious philosopher Shihab al-Din Suhrawardi (d. 1191) were executed for their alleged apostasies. In his four-volume work, *The Inquisition of the Muslims,* Turkish theologian Mehmet Azimli examines numerous such figures in Islamic history who were targeted on religious grounds—at times with political motives, but still with religious verdicts.[8] The late Iraqi scholar Taha Jabir al-Alwani also gives a long list of "Muslim scholars who have been accused of apostasy," while adding that many of them had only "resisted certain tyrants . . . to rein in their despotic, absolute powers."[9] Other scholars have shown how "accusations of unbelief"—using legal terms such as *riddah* (overt apostasy), *zandaqah* (clandestine apostasy), or *ilhad* (religious deviance or atheism)—have been weaponized within Islam, from its early centuries to the present day.[10]

Apostasy laws have also historically resulted in serious human rights abuses against those who really leave Islam—whether for another religion, such as Christianity, or for no religion at all. In recent decades, apostasy laws in about a dozen Muslim states have led not only to legal prosecutions but also to widespread abuses, including, as noted by a Christian researcher, "extra-judicial killings, honour killings, imprisonment, torture, and intimidation by both state and non-state actors."[11]

With all such grim consequences, the criminalization of apostasy points to a major problem of compulsion in religion. It presents a grave exception to the Qur'anic maxim "No compulsion in religion." No wonder some defenders of apostasy laws insert a caveat into the translation of the phrase, to narrow its meaning. They rewrite it as "No compulsion in [*acceptance of*] the religion."[12] There is freedom in accepting Islam, they mean, but there is no freedom in rejecting it.

But is this dramatic restriction of freedom of belief an unchangeable tenet of Islam? Or can modern-day Muslims question and even revoke the criminalization of apostasy—at a time when no other major religion enforces such laws, when religious freedom allows people to convert to Islam without fear, and when targeting "apostates" primarily destroys innocent lives, stifles Islamic thought, and undermines Islam's moral message? This is the question that we will explore in this chapter.[13]

An Overview of Apostasy in Classical Islamic Law

To be sure, in classical Islamic law, apostasy—when a Muslim leaves Islam—was treated as a serious offense. Most jurists considered it a capital crime, drawing largely on a well-known statement, a hadith, attributed to the Prophet Muhammad: "Whoever changes his religion, kill him."[14] Although this view was widely accepted among the jurists, they differed on many important details, including what counts as apostasy, how it is proved, and what legal procedures should be followed to convict an individual.

According to these traditional views, apostasy could be proved either by a clear confession or by the testimony of two reliable Muslim witnesses. The act of apostasy must also be deliberate: A person must intentionally leave Islam of their own free will, not under pressure or threat.[15] He or she must also be of sound mind—capable of making this decision.[16] Therefore, jurists generally exempted minors, and some jurists also exempted those who apostatized while intoxicated.

Interestingly, the Hanafis, the largest of the four Sunni schools of jurisprudence, distinguished between male and female apostates. A male apostate could be executed, in their view, after being given a chance to repent. A female apostate, however, was not to be executed; she was to be imprisoned until she returned to Islam.[17] This difference was based, in part, on the idea that women, unlike men, did not participate in warfare in early Islam and were therefore not considered a threat to society or the state—a hint at the political concerns underlying the issue of apostasy, explained later in this chapter. The Maliki,

Shafi'i, and Hanbali schools applied the death penalty generally to both men and women who left Islam.[18] However, they too allowed for a period of repentance before punishment. This period of repentance (*istitabah*) usually lasted three days, but some jurists extended it if the person seemed unsure or hesitant.

Apostasy also had consequences for a person's property. Malikis, Hanbalis, and some Shafi'is believed that apostates should not be allowed to manage or transfer property while their cases were being decided. If they died or were executed, their property was treated as "war booty" and retained by the state.[19] Some Hanafis, like Abu Yusuf and Muhammad al-Shaybani, believed that apostates retained their property ownership, and if they were executed, their property should go to their heirs.[20] Abu Hanifa held that any wealth earned before the act of apostasy could be inherited by the family but that anything earned after leaving Islam should go to the public treasury.[21]

Marriages were also affected. If one spouse left Islam, the Malikis and Hanafis usually considered the marriage nullified. If both spouses left the religion, Shafi'is and Hanbalis said they should be separated, whereas Hanafis allowed the couple to remain married.[22] Children born before a parent's apostasy were still considered Muslims and were not permitted to follow their parents out of the faith.[23]

Some cases of apostasy were handled more strictly than others. A *zindiq*—someone who pretended to be Muslim while secretly disbelieving and corrupting Islam from within by spreading heresy—was treated with greater severity. This category was often used to execute self-professed Muslims. If the alleged zindiq repented before their heresy was exposed, the Malikis and some Hanafis argued that their repentance should be accepted; if their heresy became publicly known first, the jurists rejected repentance. The Shafi'is were more lenient, accepting the possibility of repentance, whereas the Hanbalis refused to accept it under any circumstances.[24] Repeat apostates—those who left and returned to Islam more than once—were regarded with deep suspicion. Hanafis and Shafi'is allowed such individuals to repent but often called for imprisonment.[25] The Hanbalis rejected their later repentance and imposed the death penalty.[26]

Although jurists determined the legal rulings, only a ruler or an appointed judge could formally order the death penalty for apostasy. However, this principle was weakened by the widespread belief among some jurists that an apostate had no legal protection.[27] Therefore, private citizens who killed an apostate were usually not punished, and were not required to provide compensation to the family of the deceased.[28]

Among the Shia, Ja'fari law distinguished between two kinds of apostates: *murtadd fitri* and *murtadd milli*. The former was someone who had been born to Muslim parents—usually a Muslim father—and raised as a Muslim, but later left Islam. In this case, apostasy was viewed as a conscious and deliberate rejection of the truth the person had known from birth, and was treated more seriously: Such an individual would be executed immediately, without the chance to repent. If married, the individual's marriage was to be annulled, and the husband and wife, if apostates, were both to lose their rights to inheritance and burial in a Muslim cemetery.[29] A murtadd milli, on the other hand, was someone who converted to Islam from another religion but later renounced Islam. This apostate was not regarded with the same seriousness, since the individual had not been born into Islam.[30] In such cases, repentance was encouraged and often accepted.

Ultimately, classical Islamic law treated apostasy as both a religious and a political offense punishable by the death penalty. This was at a time when other civilizations, particularly Christendom, imposed similarly severe penalties for religious transgressions, so the issue did not raise much controversy within Islam or in the broader world.

However, apostasy laws in Islam have turned quite controversial in the modern period in the light of a modern value: religious freedom. This value has transformed Christendom—now called "the West"—where protracted religious wars and sectarian persecutions eventually gave way to tolerance for all beliefs and convictions. This newfound freedom has benefited many groups, including Muslims, who can now freely practice their faith in many Western democracies, engage in *da'wah* (invitation to Islam), and welcome

many converts—without these new Muslims facing threats for "apostasy" from their former religions.

In this new world of broader religious freedom, can Muslims show the same tolerance to others? Some Muslim scholars implicitly say no, because they continue to support the classical legal position on the death penalty for apostasy. However, some Muslim reformist thinkers and scholars argue for a reconsideration of classical Islamic rulings on apostasy, particularly regarding the death penalty. They call for reviving the Qur'an's emphasis on genuine faith, freedom of conscience, and personal responsibility regarding matters of belief and religion.[11]

Apostasy in the Qur'an: A Sin, Not a Crime

The Qur'an is at the heart of the reformist argument, for it offers no basis for criminalizing apostasy. Several verses in the Qur'an do concern apostasy from Islam, but they do not stipulate a worldly penalty for it. Instead, the Qur'an considers apostasy a spiritual and moral failing with repercussions in the afterlife, not in this world. Verse 2:217 says, "And whoever among you reverts from his religion and dies while a disbeliever, their deeds have become worthless in this world and the Hereafter; they are the companions of the Fire; they will abide therein eternally." This suggests that apostasy is a matter between individuals and God, with punishment being eschatological and meted out in the Hereafter. One's good deeds are erased, and those who die in a state of unbelief endure eternal punishment.

Another verse also addresses apostasy, only by warning that God will not accept their repentance:

> Verily, as for those who are bent on denying the truth after having attained to faith, and then grow [ever more stubborn] in their refusal to acknowledge the truth, their repentance shall not be accepted: for it is they who have truly gone astray. (3:90)

The verse emphasizes the seriousness of willfully abandoning faith, stressing spiritual repercussions. However, it says nothing regarding the

punishment of apostates in this world. Similarly, another verse, which shows that people may go through cycles of faith, doubt, and rejection, mentions only a theological consequence for apostasy:

> Behold, as for those who come to believe, and then deny the truth, and again come to believe, and again deny the truth, and thereafter grow stubborn in their denial of the truth—God will not forgive them, nor will He guide them in any way. (4:137)

The implication of these verses is that apostasy is a major moral and spiritual failure of the individual that should be strongly condemned; however, God is the only one who punishes the apostate. This position aligns with many Qur'anic verses stating that faith is a matter between human beings and God. Only God can know the true believer; no one else has access to this knowledge. Another remarkable verse states that not everyone will believe, and that is not against God's will:

> Had your Lord willed, all who are on Earth would have believed altogether. Then, [O Muhammad], would you compel the people in order that they become believers. (10:99)

Compelling to believe, therefore, is not permitted. The Qur'an goes further and explicitly affirms that both belief and disbelief are permitted: "The truth is from your Lord," verse 18:29 declares, "so let whoever wills believe, and let whoever wills disbelieve." That is why persuasion, not compulsion, is the method the Qur'an commands to its Prophet: "[O Muhammad] Warn, you are only a warner, not a controller over them" (88:21–22). Another verse emphasizes the same point: "But if they turn away [Muhammad], your only duty is to deliver the message clearly" (16:82). Yet another verse underscores the idea that each person is responsible for their own faith choices: "Whoever chooses to be guided, it is for their own good. And whoever strays, it is to their own loss" (6:104).

All these verses suggest that freedom of belief is a paramount concern in the Qur'an and that individuals should believe in God and His prophets freely.[32] Neither the state nor religious authorities should coerce people to believe.[33]

Furthermore, there are broader Qur'anic values that call us to rethink the classical ruling on apostasy. One is sincerity of intention, which is essential for genuine faith.[34] This idea of purity of intention (*ikhlas*) is pervasive in the Islamic tradition, in all areas of religious acts and worship. Without genuine and sincere intention, there is no divine reward for good deeds. That is why outward compliance under duress or coercion, or out of fear, is worthless, as it does not reflect genuine faith. Coercion undermines sincerity, which is central to Islamic spiritual and ethical goals. Given that a person's true and genuine belief is known only to God, neither the state nor religious authorities can assess, much less dictate, one's inner faith. Therefore, by shifting the focus from genuine voluntary belief to external conformity, the death penalty for apostasy contradicts the Qur'an's emphasis on authentic and genuine faith, and it creates an environment where hypocrisy flourishes.[35]

Other key Qur'anic values are God's compassion and mercy, which are central to Islam. They are emphasized to such an extent in the Qur'an that every chapter begins with an affirmation of divine compassion and mercy—except Chapter 9, which largely addresses a context of war. The Qur'an also emphasizes the importance of reflection and persuasion in matters of faith and rejects coercion. Islamic theology that reflects the Qur'an's concern for these values must prioritize sincere individual conscience and a voluntary devotion to faith.

Apostasy as a Political Crime in Early Islam

If the Qur'an did not prescribe a worldly punishment for apostasy, and its core values do not justify coercion, one might ask how it came to be that apostasy laws developed. The short answer is that these laws developed in the post-prophetic period, gradually and in a particular political context.

The context was that the earliest Muslim community led by the Prophet Muhammad was not only a religious group but also a fledgling political community. It was fighting for survival in a hostile environment, first against its opponents in Mecca and later against other belligerent tribes. In the immediate post-prophetic period, the Muslim community also dealt with hostile

forces from powerful empires—namely, the Byzantines and the Sassanids. Thus, the community's religious and political identities were closely connected. In this context, leaving Islam was not simply a matter of leaving one's faith but also of abandoning the political community—and potentially aligning with the enemy—thereby making apostasy an act of treason.[36] In simpler terms, at that time, leaving Islam was not just a personal or spiritual matter—it was considered a political betrayal. It was like deserting one's country during a war and joining the enemy side. Therefore, one could argue that in developing apostasy laws, Muslim jurists were paying close attention to its treasonous implications in their historical context. Although jurists framed the death penalty for apostasy in theological terms, it can also be viewed as a means of maintaining and protecting the social order—a fundamentally political act.[37]

In contrast to the political situation in early Islam, modern nation-states are built on the principle of equal citizenship regardless of religious affiliation. Political authority is not tied to any one religion, and individuals are not expected to share a common religious identity in order to belong to the state. This marks a significant shift in how religious difference is approached. In contemporary Muslim-majority states, this change challenges older views that closely link religion with political belonging and requires a reevaluation of laws and norms that were shaped in a very different historical context.

Abu Bakr's "Wars of Apostasy": A Matter of Taxation

The Riddah Wars—"Wars of Apostasy"—that broke out soon after the death of the Prophet Muhammad were among the most important historical events that likely influenced the thinking of jurists about apostasy. The conflict began when several Arab tribes that had pledged allegiance to the Muslim state in Medina under the Prophet Muhammad renounced their allegiance shortly after his death in 632. In response, although some urged restraint, Caliph Abu Bakr (d. 634) made a political decision to launch military campaigns against the rebellious tribes, viewing their defection as a threat to the unity and stability of the nascent Muslim community.[38] The rebellion included tribes that

rejected Islam; however, it also included those that simply refused to pay the *zakat* (tax) to the state, without renouncing Islam. For Abu Bakr, both categories constituted "apostasy," implying rebellion, which was a direct danger to the political unity and existence of the Muslim community, and he justified the wars against both accordingly. For him, renouncing Islam was effectively the same as rebelling against the community—and its newfound political entity.[39]

Caliph Abu Bakr's Riddah Wars appear to have set a precedent for later Muslim rulers and jurists to view apostasy as both a religious and political act—one that justified a legal or even military response. These wars, however, cannot be used to justify the death penalty for apostasy today. They were fought to suppress a political rebellion, not to punish individuals for privately leaving Islam. Some tribes remained Muslim but refused to pay zakat, showing the issue was about state authority, not belief. Abu Bakr acted to preserve the unity of a fragile political order. His response was a political decision, not a legal ruling on apostasy. Treating it as a basis for punishment today ignores the historical context and misrepresents its original purpose.

Revisiting the Apostasy Hadiths

As outlined earlier, no Qur'anic verse prescribes the death penalty for apostasy, and the so-called Riddah Wars cannot be used to justify such a ruling either. Yet a few hadiths, reported sayings of the Prophet, appear to state this. As a result, a considerable body of Muslim scholarship has taken these hadiths as the textual basis for applying the death penalty for apostasy.[40]

The most explicit of these hadiths, as already noted, plainly reads: "Whoever changes his religion, kill him," offering the most important textual support for the death penalty.[41] However, in his arguments for decriminalizing apostasy, Taha Jabir al-Alwani raised serious concerns about the reliability of this hadith.[42] Many versions of it come through single narrators—as opposed to multiple narrators, which could make it more reliable—and some contain unclear or contradictory details. Some versions have weak

or incomplete chains of narration, making them unreliable. Al-Alwani also stressed that the Qur'an must take priority over hadiths, especially when the meanings in the Qur'an are clear. The Qur'an, he argued, is the final authority for determining Islamic law and ethics. Hence, it is the Qur'an that confirms or clarifies the Sunna, not the other way around. For this reason, the hadith about killing apostates cannot override the Qur'an's clear teaching of religious freedom.[43]

Also, it is notable that this saying attributed to the Prophet Muhammad does not appear to have any application in his reported actions: There is no reported case of any apostate being executed under Prophet Muhammad's command merely for leaving Islam.[44] Instead, his approach was to invite people to faith through reason, patience, and good character, not by using pressure or threats. As scholars like Mohammad Hashim Kamali point out, when the people of Mecca were hostile to him, the Prophet relied on words, not force. This restraint was also exemplified in various incidents in the Medinan phase, when Muslims achieved political and military power, while the Prophet still showed leniency against critics and apostates. This fact was reportedly acknowledged by Imam al-Shafi'i, the founder of the eponymous Sunni school of jurisprudence, who wrote: "Some people first believed in Islam, then committed apostasy, then professed belief again. However, the Messenger of God did not put them to death."[45]

Yet how can we make sense of the fact that a hadith attributed to the Prophet bluntly says, "Whoever changes his religion, kill him"? A second hadith, which is also commonly used to justify apostasy laws, can give us some idea. Its well-known version reads that a Muslim cannot be killed except as punishment for murder, adultery, and "leaving his religion and forsaking the community"—in other words, apostasy.[46] However, a second version of the hadith, also reported in the authoritative collection *Sahih al-Bukhari*, replaces "leaving his religion and forsaking the community" with "making war on God and His Messenger."[47] In other words, it shifts the verdict from religious apostasy to violent aggression against the Muslim community.

So, perhaps the hadith "Whoever changes his religion, kill him" refers not merely to changing religion but to actively waging war against Muslims. Given the tense political context of the early Muslim community discussed previously, such a conflation of the two concepts would not be surprising. Hadiths, which were transmitted orally and only written down long after the events, differ from the Qur'an, which was compiled during the Prophet's lifetime and preserved as a book shortly after his death. As a result, hadith reports may contain imprecise wording, as can be seen in the numerous variant versions of the same hadith.

Juristic Disagreement on Apostasy

Given the questions surrounding both the reliability and the clarity of the relevant hadith—and the absence of any clear Qur'anic instruction prescribing a worldly punishment for apostasy—it is not surprising that Muslim scholars have long debated whether such punishment was fixed and unchangeable or left to the discretion of a judge, and therefore subject to change. For some jurists, like those from the Shafi'i and Zahiri schools, apostasy falls under the category of *hadd* punishments—offenses for which the penalty is fixed and cannot be changed. Others, including some from the Hanbali school, do not treat apostasy as a hadd crime.[48] Instead, they see it as a *ta'zir*, or discretionary, offense, where the judge can decide the appropriate response depending on the circumstances.

Some 8th-century CE figures, such as Ibrahim al-Nakha'i and Sufyan al-Thawri, even argued that apostates should not be killed at all but continuously invited to return to Islam.[49] Ibn Taymiyya, an influential 14th-century scholar, also appeared to view punishment for apostasy as a matter of judicial discretion.[50] In modern times, scholars like Mohamed Salim al-Awa also have questioned whether apostasy belongs to the hadd category at all. He points out that the Qur'an clearly states penalties for offenses like slander, theft, and adultery but says nothing about a worldly punishment for leaving Islam.[51] Without such a clear Qur'anic text, he argues, apostasy cannot be treated as a hadd crime.

This difference of opinion matters. If apostasy is a hadd offense, the punishment—typically death—is seen as unchangeable. However, if it is a ta'zir offense, the punishment can vary depending on context, and may not involve physical punishment at all. It can even be considered a sin, as the Qur'an clearly states, but not a crime.

The Maqasid Perspective

One of the important theoretical tools offered by the Islamic legal tradition is the theory of *maqasid*, or higher objectives, of law. As argued by prominent scholars such as al-Juwayni (d. 1085) and al-Ghazali (d. 1111), and further elaborated by al-Shatibi (d. 1388), the theory suggests that all Islamic law aims at preserving five values: religion, life, property, lineage, and the intellect.

Interestingly, the preservation of religion (*hifz al-din*)—one of the five higher objectives (maqasid) of Islamic law—was historically often cited as the primary rationale for apostasy laws. From this perspective, executing apostates was viewed as a way to safeguard the faith. However, in the modern era, this reasoning appears increasingly outdated. Apostasy laws, now widely regarded as unjust by many, arguably undermine religion rather than protect it. This fact was observed by contemporary Muslim scholar Jonathan Brown:

> I have heard of many Muslims, both in Muslim-majority countries and in the West, who have experienced crises of faith or even lost it entirely due to the violence done in the name of Islam. Things like ISIS's execution of apostates often top the list of what has led to these crises. . . . If punishing apostasy severely is driving Muslims away from their religion, then this policy is undermining its own purpose.[52]

Therefore, the maqasid approach, which has gained renewed recognition in the modern era, enables Muslims to reevaluate the criminalization of apostasy, moving beyond rigid adherence to classical jurisprudence.

Another Qur'anic Insight

The absence of any Qur'anic basis for apostasy laws is a crucial point emphasized by all modern reformist scholars who have addressed this issue. It is also acknowledged by many scholars who defend the classical position. They argue, however, that the Qur'an does not contain all legal rulings in Islam, and that hadiths are sufficient to establish the death penalty for apostasy.

However, there is one more insight from the Qur'an that is often overlooked but is truly remarkable: The Qur'an mentions instances in which "apostates" are threatened or killed—but in each case, it is not believers in the One God who carry out these acts, but oppressive disbelievers who persecute them for their faith.

Two powerful Qur'anic stories illustrate this point. In the story of the Companions of the Cave (in *Surat al-Kahf*), young believers in the One God flee persecution by their pagan society, which views them as apostates for abandoning its religion. Their oppressors threaten to either kill them or force them "to return to their religion" (18:20). Similarly, in the story of Moses, Pharaoh reacts with fury when his own sorcerers declare belief in the God of Moses. Pharaoh threatens them with torture and crucifixion, asking, "How dare you believe in him before I have given you permission?" (20:71). In both cases, those accused of "apostasy" are monotheist believers, and it is the tyrannical disbelievers who seek to punish them. Such threats are repeatedly voiced in the Qur'an by intolerant disbelievers who cannot bear to see their religion rejected.

The Prophet's early followers also faced brutal persecution in Mecca for leaving polytheism and embracing belief in the One God. Biographical sources recount how slaves—such as Sumayyah bint Khayyat, the first martyr in Islam; her husband Yasir ibn Amir; and Bilal ibn Rabah—were tortured, and in some cases killed, for what their slave owners saw as religious betrayal.

In other words, by studying the Qur'an and the earliest history of Islam, we see that threatening people for their sincerely held religious beliefs—including

conversion to another religion—is a destructive human tendency that leads to grave injustices. That this tendency later found its way into the Islamic tradition, through the development of apostasy laws, may be a historical fact—but it is also, arguably, a troubling legacy that calls for critical reevaluation.

Therefore, today's Muslims can choose to repeal apostasy laws—laws that have led to the persecution of fellow Muslims and others who have sincerely lost their faith, while achieving little in return, as forced belief is never genuine faith. Such a reform would not constitute capitulation to secularism or external influences, as some Muslims worry. Rather, it would constitute a reaffirmation of the Qur'an's ethical vision through the recognition of human beings as dignified moral agents who are accountable only to God for their choice of belief and faith.

In other words, today's Muslims can move beyond the insistence—held by some scholars—that the Qur'anic maxim "No compulsion in religion" applies only to entering Islam, not to leaving it.[53] Instead, Muslims can choose to embrace the principle of "No compulsion in religion" without exceptions. This would be more faithful to the Qur'anic message, more reflective of divine mercy, and much safer for the future of Islam, Muslims, and humanity at large.

Notes

[1] Taha Jabir al-Alwani, *Apostasy in Islam: A Historical and Scriptural Analysis*, trans. Nancy Roberts (International Institute of Islamic Thought, 2011), p. 130.

[2] The case of Abu Zayd exposed tensions between intellectual freedom and religious orthodoxy and prompted Egypt to restrict hisbah lawsuits in 1998 to prevent similar abuses.

[3] For an intellectual history and critical analysis of Abu Zayd's work, as well as his prosecution, see Nadia Oweidat, *Reform and Its Perils in Contemporary Islam: The Case of Nasr Hamid Abu Zayd* (Oxford University Press, 2024).

[4] Mahmoud Taha had developed a concept called the "Second Message of Islam," by which he argued that the verses of the Qur'an revealed in Medina were appropriate in their specific context as the basis of Islamic law, whereas the verses revealed

in Mecca represented the universal religion—turning the traditional "abrogation" doctrine upside down. For this, he was accused, sentenced, and executed for "apostasy" at the age of 76 by the autocratic regime of Gaafar Nimeiry, who had declared an "Islamic revolution" in 1983. For more on Mahmoud Taha's execution, see Chapter 7 of this volume, which features one of his students, Professor Abdullahi Ahmed An-Naim.

[5] Eshkevari's "crime" was arguing that certain commandments of traditional *fiqh*—such as some penal codes and the *jizyah* tax—are inapplicable in the modern world. In court, the judge told him: "You say these are impracticable and that makes you an apostate; we say these are *temporarily* impracticable, which makes us believers" (emphasis added). Aghajari's "crime" was speaking out against "the blind obedience to clerics," which was depicted by the regime as an attack on the Prophet of Islam and fundamental Shia traditions. After widespread reactions, both scholars were spared the death penalty but were still imprisoned for years. See Mahmoud Sadri, "Re-Framing Reform: Lessons from the Apostasy Trials of Hassan Yousefi Eshkevari and Hashem Aghajari," in *Freedom of Expression in Islam: Challenging Apostasy and Blasphemy Laws*, ed. Muhammad Khalid Masud et al. (I. B. Tauris, 2021), pp. 195–99.

[6] For publishing an article titled "Reviving Muslim Thought," Ulil Abshar Abdalla, a devout Muslim, was condemned by religious authorities from the Forum Ulama Umat Indonesia, which stated that "according to Islamic law, those who insult or distort religious truth may be punished with death." A possibly related bomb attack in 2011 wounded a police officer. See Natalia Laskowska, "Apostasy as a Tool to Suppress Dissent: Indonesian Perspective," *Rocznik Orientalistyczny* (*Yearbook of Oriental Studies*, Polish Academy of Sciences), no. 2 (2012): 85–118.

[7] Omer Spahic, "Theological Conflicts in Early Islamic Era: The Execution of Ghaylan ibn Muslim al-Dimashqi al-Qadari," *Intellectual Discourse* (International Islamic University Malaysia) 9, no. 2 (2019): 205–17.

[8] Mehmet Azimli, *Müslümanların Engizisyonu: Ölümcül Kovuşturmalar* (Ankara Okulu Yayınları, 2022).

[9] Al-Alwani, *Apostasy in Islam*, pp. 117–29.

[10] Camilla Adang et al., eds., *Accusations of Unbelief in Islam: A Diachronic Perspective on Takfir* (Brill, 2016). The writers also observe: "Even when *takfir* does not result in

execution or corporal punishment, there is always a price to pay for the alleged culprit. A person tinged with allegations of unbelief or heresy, even if unproven, could and can face various serious forms of ostracism. Social relations are broken off, marital ties severed, family members are given the cold shoulder, access to inheritance is blocked, people refuse to pray together with or behind a person accused of *kufr*, who is, moreover, denied the prayer for the dead and burial in a Muslim cemetery. His legal probity is questioned and he is no longer allowed to testify in court. If he has written books, they might be banned, burned" (pp. 14–15).

[11] Ziya Meral, *No Place to Call Home: Experiences of Apostates from Islam, Failures of the International Community* (Christian Solidarity Worldwide, 2008), p. 6.

[12] Translation of 2:256 in *Sahih International*, an English-language translation of the Qur'an published by the Abul-Qasim Publishing House in Saudi Arabia. Also see the Introduction to this volume.

[13] Many ideas presented in this article and the summary of classical Islamic legal positions on apostasy can be found in the author's key text on freedom of religion and other articles. See Abdullah Saeed and Hassan Saeed, *Freedom of Religion, Apostasy and Islam* (Ashgate, 2004).

[14] The hadith is cited in various collections, including in *Sahih al-Bukhari*, no. 6922 (Book 88, Hadith 5). Also see Shams al-Din al-Sarakhsi, *Al-Mabsūṭ* (Dār al-Ma'rifah, 1989), 10:98.

[15] For a discussion on compulsion, see Sarakhsi, *Al-Mabsūṭ*, 10:123; 'Ala' al-Dīn Abū Bakr ibn Mas'ūd al-Kāsāni, *Badā'i' al-Ṣanā'i' fi Tartīb al-Sharā'i'* (Dār al-Kutub al-'Ilmiyyah, n.d.), 7:134, 177–78; and Abū Muḥammad 'Abd Allah ibn Aḥmad ibn Muḥammad ibn Qudāma, *Al-Mughnī* (Maktabat al-Riyad al-Hadīthah, n.d.), 8:145–46.

[16] Ahmad ibn Naqib al-Misri, *Reliance of the Traveller: A Classical Manual of Islamic Sacred Law*, trans. Nuh Ha Mim Keller (Sunnah Books, 1994), p. 595.

[17] Sarakhsi, *Al-Mabsūṭ*, 10:108–9.

[18] Sarakhsi, *Al-Mabsūṭ*, 10:98; and Wahbah al-Zuḥayli, *Al-Fiqh al-Islamī wa Adillatuhu*, 6:186–8.

[19] See, for example, Al-Kāsāni, *Badā'i' al-Ṣanā'i' fi Tartīb al-Sharā'i'*, 7:136; and Ibn Qudāma, *Al-Mughni*, 8:129.

[20] Sarakhsi, *Al-Mabsūṭ*, 10:100.

[21] Al-Zuḥayli, *al-Fiqh al-Islamī wa Adillatuhu*, 6:189; Sarakhsi, *Al-Mabsūṭ*, 10:100; and Al-Jazīri, *Min Kitāb al-Fiqh 'ala al-Madhāhib al-Arba'ah*, 5:429–31. For further details, see Al-Zuḥayli, *al-Fiqh al-Islamī wa Adillatuhu*, 6:188–92.

[22] Al-Kāsāni, *Badā'i' al-Sanā'i' fi Tartīb al-Sharā'i'*, 7:139.

[23] Al-Kāsāni, *Badā'i' al-Sanā'i' fi Tartīb al-Sharā'i'*, 7:139; and Ibn Qudāma, *Al-Mughnī*, 8:137.

[24] For views related to this, see Shams al-Dīn Muḥammad ibn Abū al-'Abbas Aḥmad ibn Ḥamza ibn Shihāb al-Dīn al-Ramli, *Nihāyat al-Muḥtāj ila Sharḥ al-Minhāj* (Dār al-Kutub al-'Ilmiyya, n.d.), 7:419–20; Ibn Qudāma, *al-Mughnī*, 8:126; and Al-Kāsāni, *Badā'i' al-Sanā'i' fi Tartīb al-Sharā'i'*, 7:135.

[25] Saeed and Saeed, *Freedom of Religion, Apostasy and Islam*, p. 55.

[26] Al-Kāsāni, *Badā'i' al-Sanā'i' fi Tartīb al-Sharā'i'*, 7:135; and Ibn Qudāma, *Al-Mughnī*, 8:126.

[27] Saeed and Saeed, *Freedom of Religion, Apostasy and Islam*, p. 56.

[28] Al-Misri, *Reliance of the Traveller*, p. 584; and Sarakhsi, *Al-Mabsūṭ*, 10:112.

[29] Ali Akbar, "Punishment for Apostasy: Arguments from Two Traditionally Trained Muslim Scholars in Favor of Its Abolition," *Oxford Journal of Law and Religion* 10, no. 1 (2021): 77.

[30] Akbar, "Punishment for Apostasy," pp. 77–78.

[31] A vast array of Muslim scholars in the modern period have argued for decriminalizing apostasy. Thinkers such as Fazlur Rahman Malik, Mohammad Hashim Kamali, Taha Jabir al-Alwani, Abdullah Saeed, Tariq Ramadan, Mustafa Akyol, and Abdullahi Ahmed An-Naim have contributed to a growing body of work that questions the relevance of classical apostasy laws in modern states.

[32] Some scholars have attempted to object to this view, trying to find Qur'anic bases for punishing apostasy. However, the verses they cite (5:54, 16:106, and 22:11) mention apostasy and its spiritual consequences—such as divine condemnation in the hereafter—but do not mandate any worldly punishment. Prominent scholars such as al-Shawkāni (d. 1834) acknowledge this, noting that although these verses describe apostasy, they lack any reference to legal or worldly penalties, thus challenging the textual basis for the death penalty in the Qur'an. See Saeed and Saeed, *Freedom of Religion, Apostasy and Islam*, pp. 79–80.

[33] The idea that the Qur'an does not prescribe the death penalty for apostates and that the adoption of faith is a rational decision made by people voluntarily and freely is highlighted by several scholars. See Muhammad Shahrur, *The Qur'an, Morality and Critical Reason: The Essential Muhammad Shahrur*, trans. Andreas Christmann (Brill, 2009), p. 341; Nasr Hamid Abu Zayd, *Reformation of Islamic Thought: A Critical Historical Analysis* (Amsterdam University Press, 2006), p. 95; and Nasr Hamid Abu Zayd, "The Qur'anic Concept of Justice," 2001.

[34] See, for example, Shabbir Akhtar, *A Faith for All Seasons: Islam and Western Modernity* (Bellew Publishing, 1990), pp. 21–22. For the author's longer discourse on apostasy (as well as blasphemy and treason), see Shabbir Akhtar, *Be Careful with Muhammad! The Salman Rushdie Affair* (Bellew Publishing, 1989), pp. 70–77.

[35] Abdullahi Ahmed An-Naim, "The Islamic Law of Apostasy and Its Modern Applicability: A Case from the Sudan," *Religion* 16 (1986): 197–224. For further discussions on freedom of faith, see Ali Akbar, "Freedom of Religion: The Contribution of Contemporary Iranian Reformist Scholars," *Religions* 12, no. 6 (2021): 384.

[36] Abdullah Saeed, "Pre-Modern Islamic Legal Restrictions on Freedom of Religion, with Particular Reference to Apostasy and its Punishment," in *Islamic Law and International Human Rights Law*, ed. Anver M. Emon et al. Oxford University Press, 2012), p. 241. See also Ali Akbar, "The Classical Islamic Laws of Apostasy in the Present Context," *International Journal of Humanities and Social Sciences* 12 (2018): 666–71.

[37] For a discussion on the nature of apostasy as a crime, see Muhammad Khalid Masud, "Apostasy and Judicial Separation in British India," in *Islamic Legal Interpretations: Muftis and Their Fatwas*, ed. Muhammad Masud et al. (Harvard University Press, 1996), pp. 193–203.

[38] For information on the Wars of Apostasy, see Elias S. Shoufani, *Al-Riddah and the Muslim Conquest of Arabia* (University of Toronto Press, 1973); Abu Ja'far Muḥammad ibn Jarir al-Tabari, *The Conquest of Arabia*, trans. Fred M. Donner (State University of New York Press, 1993).

[39] Muhammed Abed al-Jabri, *Democracy, Human Rights and Law in Islamic Thought* (I. B. Tauris, 2015), pp. 198–99.

[40] Ben Clarke, "Law, Religious Crime and Extremism: A Human Rights Based Approach to Curbing Religious Violence in Islamic States and Societies," *Adelaide Law Review* 39, no. 1 (2009): 111.

[41] See Bukhari, *Sahih al-Bukhari*, Hadith 6922; al-Nasa'i, *Sunan al-Nasa'i*, Vol. 5, Book 37, Hadith 4064 available at Sunnah.com. See also Sarakhsi, *Al-Mabsūt*, 10:98.

[42] Akbar, "Punishment for Apostasy," pp. 80–81. See also al-Alwani, *Apostasy in Islam*.

[43] Akbar, "Punishment for Apostasy," p. 81. See also al-Alwani, *Apostasy in Islam*.

[44] Some scholars justify the death penalty for apostasy by citing historical reports from the Prophet's conquest of Mecca, in which certain individuals were reportedly executed. They argue that this reflects a precedent for executing apostates. However, this reasoning is problematic, as not all of those individuals were apostates; some had never embraced Islam. They were rather found guilty of attacking Muslims, inciting war against them, and committing other kinds of active enmity.

[45] Al-Alwani, *Apostasy in Islam*, p. 71.

[46] Bukhari, *Sahih al-Bukhari*, Book 87, Hadith 17, no. 6878.

[47] Hadith narrated by Abu Qilaba in Bukhari, *Sahih al-Bukhari*, Book 65, Hadith 132, no. 4610.

[48] Mohamed S. El-Awa, *Punishment in Islamic Law: A Comparative Study* (American Trust Publications, 1982), pp. 55–56.

[49] Saeed and Saeed, *Freedom of Religion, Apostasy and Islam*, p. 56.

[50] Saeed and Saeed, *Freedom of Religion, Apostasy and Islam*, p. 56.

[51] Mohamed S. El-Awa, "Jarā'im al-Hūdūd wa 'Uqūbatuha," *Minbar al-Sharq*, no. 10 (1993), 21–22.

[52] Jonathan A. C. Brown, "The Issue of Apostasy in Islam," Yaqeen Institute for Islamic Research, 2017, pp. 26–27.

[53] Among them is the Egyptian scholar Muhammad Mutawalli al-Sha'rāwi (d. 1998), who justified the death penalty for apostasy by arguing that freedom of religion applies only before one becomes a Muslim. Once a person embraces Islam, he added, they are bound by all its rulings, including punishment for apostasy. Al-Sha'rāwi, *al-Jāmi' li al-Fatāwā*, p. 12.

CHAPTER 3

Compulsion in Speech

Blasphemy Laws in Pakistan and Beyond

Husnul Amin

We are enough for you against all those who ridicule your message.
—God speaking to His messenger, Qur'an, 15:95

On April 13, 2017, in the Pakistani city of Mardan, a 23-year-old journalism student at Abdul Wali Khan University named Mashal Khan was lynched by a mob consisting of fellow students, university staff members, and outsiders, who brutally beat and then shot him dead on campus. They were angered by rumors that Mashal had posted blasphemous content on social media that were later proved false.[1] Mashal was known for his left-leaning views and criticism of the university administration, which led to tensions with powerful figures on campus. His activism made him a target, and the blasphemy accusation was weaponized to silence him. Nevertheless, many in the mob were genuinely driven by religious fervor and a sense of vigilante justice, believing they were defending Islam.[2] They chanted religious slogans as they carried out the lynching, portraying their violence as a sacred duty. Meanwhile, the university administration and local police failed to protect Mashal, suggesting negligence, or even complicity, by the authorities.

In the aftermath, despite national and international outrage, many in Pakistan viewed the lynching as justified. Several of those arrested showed no remorse, convinced they had acted in defense of Islam. The proceedings took place at the anti-terrorism court in Haripur Central Jail between September 2017 and

February 2018. Upon release and in various social gatherings, many of the accused and the assailants received widespread praise from various religious and political groups, including Pashtun nationalists, Islamists, and some of the traditional *ulama* (religious scholars). During my fieldwork and interactions with local communities, I found no sympathy for Mashal and instead encountered overwhelming support for his killing.

Worse, this particular blasphemy killing is just one of many similar incidents that have occurred in Pakistan during the past few decades. Since 1986, thousands of people have been charged with blasphemy. Many have been arrested and prosecuted, and have spent years in jail, often on death row, as blasphemy is legally punishable by the death penalty. Dozens of others, like Mashal Khan, have fallen victim to violent mobs who condemned the perceived blasphemers as *wajib-ul-qatal* (whose killing is obligatory) and killed them in gruesome ways.[3]

A Troubling "Islamization"

The focus on incidents since 1986 is deliberate. Such deadly accusations and tragic outcomes were once rare. Between 1927 and 1986, fewer than 10 cases of blasphemy were reported in both pre- and post-partition Pakistan. But everything radically changed after the 1986 amendments to the blasphemy laws, which were part of the "Islamization of laws" campaign led by President Muhammad Zia-ul-Haq, a former general who came to power in 1977 in a military coup.

According to 2025 data compiled by the Centre for Social Justice Pakistan, from 1987 to 2024, at least 2,793 persons were legally or communally accused of blasphemy in Pakistan, and at least 104 people were killed extrajudicially by mobs following blasphemy allegations.[4] However, the actual figures are likely higher, as not all cases are reported in the media. And the numbers are not just cold statistics—they represent real lives, real tragedies, and a national conscience under siege, drowned in a wave of fanaticism disguised as religious devotion.

Alarmingly, almost half of those accused of blasphemy belonged to religious minorities—such as Ahmadis, Christians, and Hindus—who make up only 3 to 5 percent of the population.[5] Punjab, home to most of Pakistan's Christian population, has become the focal point of these cases, accounting for nearly two-thirds of the total. Some of the most high-profile tragedies include the assassinations of Salman Taseer, the governor of Punjab, and Shahbaz Bhatti, the federal minister for minorities. Both were murdered not even for committing blasphemy, but for defending the victims of the blasphemy law—in particular Asia Bibi, a Christian woman who was falsely accused of blasphemy.

Asia Bibi's own tragedy became a globally infamous affair. As a poor Christian mother of five, she worked on a farm. In 2010, after she had an argument with a Muslim coworker over a glass of water, the latter accused Asia of committing blasphemy, and she was immediately arrested and jailed. Although her case sparked international outrage, Asia spent nearly a decade on death row. She was finally acquitted by the Supreme Court in 2018, but militants who wanted to see her killed launched massive demonstrations and raised threats. She and her family were saved by silently fleeing to Canada, where they were granted asylum in 2019.

Meanwhile, Pakistan has witnessed numerous horrific acts of brutal violence in the name of punishing blasphemy. In November 2014, a Christian couple, Shama Bibi and Shahzad Masih, were lynched by a mob in Kot Radha Kishan, Punjab. They were accused of desecrating a Qur'an, a charge they denied. The couple worked at a brick kiln and had a dispute with the owner over unpaid wages. The owner allegedly spread the blasphemy accusation to incite the mob. The couple were beaten, thrown into the burning oven, and burned to death.

What stands out in these tragedies is how blasphemy accusations were often exploited as tools for personal revenge, sectarian hatred, or social exclusion. And although Punjab has remained the epicenter, the violence has spread to Pakistan's other provinces—Khyber Pakhtunkhwa, Balochistan, and Sindh. This is no longer a localized issue but one that affects the entire country.

Zealots with a Cause

Certain ideological groups in Pakistan are driving this frenzy over blasphemy. Foremost among them is Tehreek-e-Labbaik Pakistan (TLP)—"Here-I-Am Movement of Pakistan"—a sectarian movement turned political party, which was outlawed in October 2025. Founded in 2015 by Barelvi scholar Khadim Hussain Rizvi, it rose to prominence through its staunch defense of the country's blasphemy laws and its militant opposition to any perceived threats to the sanctity of the Prophet Muhammad (peace be upon him).

At the core of the TLP's ideology is an uncompromising stance on blasphemy, which it considers the gravest offense, warranting capital punishment.[6] The party gained further traction following the acquittal of Asia Bibi. When she was set free in 2018, the TLP orchestrated mass protests, threatening national unrest, and demanding the death penalty for the Supreme Court judges who acquitted Asia. The party has since positioned itself as the self-proclaimed guardian of Pakistan's Islamic identity, often leveraging blasphemy accusations as a political weapon.

Some Pakistani groups obsessed with punishing blasphemy even use entrapment tactics to provoke such cases. For instance, a religious extremist faction, defined as the "blasphemy business group," has employed deceitful tactics to entrap unsuspecting youths into sharing or engaging with blasphemous content online, only to target them afterward, according to an investigative report by Fact Focus, a Pakistani online platform for data-driven research. This blasphemy-fishing group infiltrates social media platforms, where its members, often posing as women, befriend young people and manipulate them into interacting with prohibited material. This tactic led to the prosecution of over 400 young individuals for blasphemy, which can carry the death penalty. A significant number of these cases have emerged since 2022, with approximately 70 of the accused being in their 20s or younger.[7] Once ensnared, these youths are reported to the Federal Investigation Agency's Cyber Crimes Wing, leading to their arrest and prosecution.

Alarmingly, the Fact Focus investigative report also uncovered evidence of a collusive relationship between this extremist group and officials within the Federal Investigation Agency that resulted in expedited registrations of blasphemy cases without thorough verification.[8] This dangerous alliance not only undermines justice but also turns legal instruments into tools of oppression, enabling both state and nonstate actors to exploit them for political and economic gain.

Equally alarming is the influence of religious instruction in Pakistan's classrooms, where extremist rhetoric can be woven into the fabric of education. A striking example of this surfaced in a video of a classroom scene that went viral on social media.[9] In the video, a teacher wearing a green turban leads a group of young students in a chilling call-and-response chant. He calls out, *Man sabba nabiyan!* (Whoever insults the Prophet) and the children, in unison, respond, *Faqtuluhu!* (Then kill him). The normalization of such rhetoric in classrooms contributes to the radicalization of impressionable minds, promoting a worldview that equates religious dissent with a capital offense.

A Broader Problem

Clearly, these tragedies in Pakistan should concern anyone who values innocent lives. They should especially alarm Muslims, given all the violence and persecution that is carried out in the name of Islam.

Moreover, the problem is not limited to Pakistan. Although it is the leading country regarding injustices committed in the name of punishing blasphemy, it is not the only one. In fact, many other countries around the world have blasphemy laws, often punishable by prison sentences or fines, whereas the death penalty is imposed in only seven "Islamic" states.[10] A 2020 study by the US Commission on International Religious Freedom shows that the highest number of blasphemy prosecutions have taken place mostly in Muslim-majority states.[11] Blasphemy-related mob violence is also a frequent occurrence in some of these nations.[12] At its most extreme, the zeal to punish blasphemy has fueled acts of terrorism in Europe—most notably the 2015 attack on the French magazine *Charlie Hebdo* for publishing cartoons of the

Prophet Muhammad, and the 2020 murder of a French teacher who had merely shown those cartoons in a classroom setting.

All of this presents as a major problem of "compulsion in religion," because forcing people to show deference to Islam—or any other religion—is also a form of compulsion. And just like forcing religious belief or practice, forcing respectful speech is ultimately self-defeating. Threatening individuals for perceived blasphemy does not cultivate genuine reverence for Islam; it merely enforces grudging silence, often breeding resentment. Outside the Muslim world—especially in the West—blasphemy laws or acts of intimidation often backfire, provoking defiance, such as the repeated publication of cartoons depicting the Prophet Muhammad.

For all these reasons, a frank discussion of Islamic perspectives and rulings on blasphemy is much needed. This conversation should go beyond merely condemning vigilante violence for circumventing legal authority—as is often the limited stance of mainstream politicians and clerics in Pakistan and the wider Islamic world. It should also involve a deeper examination of whether blasphemy laws are necessary and justifiable.

Islamic Critiques of Pakistan's Blasphemy Laws

In Pakistan, scholarly responses to the foregoing question can be placed along a broad spectrum. At one end are those who advocate for capital punishment, grounding their views in religious beliefs and interpretations. At the opposite end are secular-liberal critics who reject such punishments entirely, basing their arguments on universal human rights principles and international law. Between these two poles lies a significant group of traditionalists, reformist scholars, public intellectuals, and social activists who engage with the issue from within the Islamic tradition. Although they differ in methodology and interpretive approaches, they often arrive at a shared conclusion: that the current application of blasphemy laws and the enforcement of capital punishment as *hadd* (a fixed divine penalty) constitute a misinterpretation that deviates from the Qur'an, the Prophet's practice, and even the classical jurisprudence of the Hanafi school of Sunni Islam, which is Pakistan's dominant tradition.

First, it may be helpful to explain the meaning of *hudud* (plural of *hadd*). These are traditional punishments in Islamic law that have been unequivocally commanded in the Qur'an or the authentic Sunna of the Prophet against certain crimes. The latter include *sariqah* (theft), *hirabah* (banditry), *zina* (adultery), and *qadhf* (false accusation of adultery). There are important discussions to be had about the application of the punishments for those acts; however, what is important for the controversy over blasphemy is whether or not it is such a fixed hadd punishment.

In Pakistan, there are those who say yes, and the best reference they can find in the Qur'an is verse 5:33.[13] This verse—the very passage that criminalizes hirabah—indeed decrees the death penalty or harsh corporal punishments against "those who wage war against God and His Messenger and strive to spread corruption in the land." However, the text, context, and traditional interpretation of this verse indicate that "waging war against God and His Messenger" refers to acts of violence. The term *yuharibuna* specifically means engaging in physical combat. No wonder classical scholars have interpreted this verse as revealed in response to a brutal atrocity: In Medina, a group of men came to the Prophet claiming that they wished to convert to Islam, and asked for a herd of camels, which the Prophet gave them. But once they left Medina, they tortured and killed the poor Muslim shepherd who was sent with them and made off with the camels.[14] Hence, most traditional exegetes of the Qur'an understood the verse as reference to such "armed crimes," including "armed robbery, assault (including rape), and murder, particularly of innocent travelers along the road."[15] Offensive words cannot be equated with such violent crimes.

Since there is no clear Qur'anic basis for punishing blasphemy, arguments for the latter focus on the Sunna, or the reported example of the Prophet. In fact, in the hadith sources, there is also no clear commandment for punishing blasphemy.[16] But there are reports of incidents in which the Prophet commands the execution of certain individuals, including certain "poets," who were fiercely vocal against the Muslim community. These incidents, some believe, justify the death penalty for blasphemy.

However, there are strong reasons to believe that these incidents were not merely about verbal offenses but about acts of active aggression and treason. Pakistani scholar Javed Ahmad Ghamidi, a reformist thinker in the Sunni tradition, emphasizes this point. "Narratives related to punishment for blasphemy that are often cited also need to be understood correctly," he notes, drawing attention to often-overlooked nuances.[17] For instance, one of the individuals executed on the Prophet's orders was Abu al-Rafi, who, according to Ghamidi, "was one of those people who were guilty of bringing out the tribes against Madinah in *Ghazwah-e Khandaq* (the Battle of the Ditch)." In other words, he had incited a major military aggression against the nascent Muslim community. Another example is the poet Ka'b ibn al-Ashraf, who "went to Makkah and recited vengeance-inspiring elegies" and even "went to the extent of devising deception to assassinate the Prophet."[18] Similarly, Abdullah ibn Khatal had initially joined the Muslim community and was appointed as an alms collector. However, he later killed an innocent Muslim slave with his bare hands, absconded with his collected alms, and sought refuge with the enemy.[19]

Thus, Ghamidi concludes that "the law for punishing blasphemy against the Prophet (sws) that is invoked in Pakistan has no foundation in the Qur'an or Hadith."[20] Ammar Khan Nasir, a Pakistani scholar who has compiled a comprehensive historical account of blasphemy-related incidents from the Prophetic era, makes a similar point: These incidents were not about merely verbal offenses. He shows that the Prophet took action only against individuals who posed a genuine threat to the Muslim community by committing or inciting physical violence against them.

On the other hand, there are many other incidents in which the Prophet forgave those who insulted him personally.[21] Abdullah Saeed, one of the authors in this book, stresses this point, arguing that the Prophet and his companions separated blasphemy from active enmity: "A clear distinction was made between verbal abuse and denigration, which were tolerated, and plots or political maneuvering against Muslim society that were accompanied by such verbal acts."[22]

The Hanafi Nuance

This lack of "foundation in the Qur'an or Hadith" explains why some early jurists from the Hanafi school—the largest Sunni school of jurisprudence—went against the latter-day mainstream view of the death penalty for any blasphemer. According to this early view, a Muslim blasphemer could be executed, but only because his blasphemy would amount to apostasy (the criminalization of apostasy is another controversial matter that is discussed in chapter 2 of this volume). However, in this early Hanafi view, the same ruling could not apply to non-Muslims who, by virtue of being non-Muslim, could not commit apostasy, and were not expected to show reverence to Islam either. The very founder of the Hanafi school, Imam Abu Hanifa (d. 767), made this point when he said that *dhimmis*—"protected" Jews, Christians, and other non-Muslims living under Islamic rule—should not be executed for blasphemy, "because their [overall] unbelief is worse," but they are not targeted for it.[23] A later Hanafi scholar, Al-Sarakhsi (d. 1090), put the rationale even better: "The true *kufr* [unbelief] is the greatest sin, but it is between man and his God. The punishment for this sin is postponed until the Day of Judgment."[24]

Therefore, it is a great irony that Pakistan, a country where the Hanafi school is ostensibly dominant, has become the most draconian applier of blasphemy laws in the contemporary world. In response, Pakistani scholars Arafat Mazhar and Syed Zainuddin Moulvi have shown that the traditional Hanafi position on blasphemy has been misinterpreted and misappropriated in their country.[25] Taking a somewhat similar line of reasoning, Muhammad Mushtaq Ahmad, an expert in international law, Islamic jurisprudence, and Hanafi law, critiques Pakistani blasphemy laws for their deviation from Hanafi principles. Professor Ahmad also argues that the Federal Shariat Court's rulings amalgamate disparate juristic opinions without a coherent legal theory, sometimes disregarding established Hanafi positions.[26]

Most of these scholars—including others who have critically examined Islamic blasphemy laws, such as Mohammad Hashim Kamali—argue that the death penalty for blasphemy is not a hadd punishment. In other words, it

is not mandated by the Qur'an or the Prophetic practice. However, many of these scholars also add that Muslim states may still impose *ta'zir*, or discretionary punishments, such as prison sentences, in response to blasphemy-related offenses.[27] Such a step would mark significant progress in Pakistan and other countries that impose the death penalty for blasphemy. Yet it could still result in individuals losing their freedom for years—often due to false accusations. Could Muslims, then, consider viewing blasphemy as neither a hadd nor ta'zir offense, but rather not as a crime at all?

For some, the intuitive answer to the question may be categorically negative—perhaps due to the strong influence of honor cultures that underpin seemingly religious attitudes on this matter, as well as "a deep-seated sense of insecurity and a need for preservation of identity."[28] But this question may be approached another way, and it is found nowhere other than in the heart of Islam—the Qur'an.

What Does the Qur'an Say on Blasphemy?

The Qur'an, the only undisputed source of Islam, has some 6,236 verses, and none of them, remarkably, include any commandments to punish blasphemers. That, as previously noted, is why those seeking a Qur'anic basis for blasphemy laws often cite a verse that is, in fact, unrelated: 5:33, which penalizes "those who wage war against God and His Messenger"—with violent acts, not mere words.

Meanwhile, the Qur'an presents two crucial themes that can help Muslims today reconsider the traditional perspective on blasphemy:

First, the Qur'an does speak of violent responses to blasphemy—yet such reactions are attributed not to believers but to intolerant disbelievers who threaten them.

Second, the Qur'an does instruct Muslims on how to respond to blasphemy—not with violence or coercion, but with patience, dignity, and entrusting the final judgment to God.

Let's begin with the first point. The Qur'an recounts numerous *qisas*, or narratives, of earlier prophets and their followers, offering Muslims guidance, inspiration, and hope. A recurring theme in these stories—particularly those of

Abraham, Hud, Lot, Moses, Noah, Salih, and Shu'ayb—is that these prophets openly challenge the theological and moral failings of their societies, only to be met with hostility. The disbelievers cannot tolerate seeing their gods and forefathers being defied, and they seek to silence the messengers who dare to offend.

Abraham's ordeal is particularly interesting. He was born in a polytheistic society that worshiped idols. But he rejected these false gods, became a monotheist, and called on his people—including his own father—to give up their religion. In return, as we read in the Qur'an, he received grim threats:

> His father answered, "Abraham, do you reject my gods? I will stone you if you do not stop this. Keep out of my way!" (19:46)

But Abraham did not give up preaching—and offending. Many in his society, in return, wanted to kill him in a most brutal way:

> Abraham said, "How can you worship what can neither benefit nor harm you, instead of God? Shame on you and on the things you worship instead of God. Have you no sense?" They said, "Burn him and avenge your gods, if you are going to do the right thing." (21:66–68)

"Burn him and avenge your gods".... While reading about ancient zealotry today, it is hard not to remember its recent victims in Pakistan—such as the aforementioned Christian couple Shama Bibi and Shahzad Masih, who were burned alive in a brick kiln. Or the Sri Lankan factory manager Priyantha Diyawadana, who was lynched and set on fire by an enraged mob, merely for removing religious posters he did not understand.[29] They, too, were victims of a ferocity that craved for theological revenge.

That same ferocity was what the Prophet Muhammad and his fellow believers faced in Mecca, whose powerful polytheists could not bear to hear anything that challenged their beliefs. As the Qur'an vividly describes:

> [O Prophet], you can see the hostility on the faces of the disbelievers when Our messages are recited clearly to them. It is almost

> as if they are going to attack those who recite Our messages to them. (22:72)

From the early books of *sirah*, or biography of the Prophet, we also learn what made the Meccan polytheists so angry about Islam. As they told Abu Talib, the protective uncle of the Prophet, they were angry because their sacred values were insulted:

> Your nephew has cursed our gods, insulted our religion, mocked our way of life and accused our forefathers of error. [So] either you stop him, or you let us get at him.[30]

In other words, the stories of the prophets—including of the Prophet Muhammad—indicate that persecuting others for perceived blasphemy was the hallmark of oppressive disbelievers. Muslims, therefore, should be cautious not to act in like fashion.

What should be the way of Muslims, then? When their own sacred values are insulted, how should they respond? That question takes us to the second theme on blasphemy in the Qur'an: the Islamic scripture does tell Muslims to do something about it—yet it is not violence or coercion, but patience, dignity, and leaving the verdict to God.

This magnanimous stance was commanded to the Prophet Muhammad first in the Meccan period, when he faced many verbal abuses from polytheists: They called him a "madman" and derided the Qur'an as "sorcery"—as the Qur'an itself candidly reports.[31] In return, God commanded his Prophet: "Patiently endure what they say, ignore them politely" (73:10). In another Meccan passage, the Qur'an says that there is nothing new about insults thrown at prophets, and the latter should just ignore them:

> Every previous people to whom a messenger was sent also said, "A sorcerer, or maybe a madman!" Did they tell one another to do this? No! They are people who exceed all bounds. So, ignore them [Prophet], you are not to blame. And go on reminding [people], it is good for those who believe to be reminded. (51:52–55)

These verses are from the Meccan period, when Muslims lacked any political and military power. Soon, however, they migrated to Medina, where they achieved power, which changed certain attitudes, such as the permission to wage war.[32] The magnanimous stance on blasphemy, however, continued in the Medinan revelations of the Qur'an. One of them reads:

> You are sure to hear much that is hurtful from those who were given the Scripture before you and from those who are idolaters. If you are patient and mindful of God, that is the best course. (3:186)

What did this "patience" mean exactly? A notable answer was offered by the prominent Sunni scholar Fakhr al-Din al-Razi (d. 1210), in his monumental commentary on the Qur'an.[33] Here he wrote that the verse called for a mild response to verbal offenses, because "it would better help the rivals of religion accept it." Al-Razi also supported this approach with other Qur'anic verses of the same spirit. One of them commands the Prophet, "Tell the believers to forgive those who do not fear God's days" (45:14). The other describes the believers as people of forbearance: "When they pass near ill speech, they pass by with dignity" (25:70).

Another Qur'anic verse from the Medinan period also decreed a response to blasphemy, only by reaffirming the restraint that was commanded earlier in Mecca:

> As He has already revealed to you in the Scripture, if you hear people denying and ridiculing God's revelation, do not sit with them unless they start to talk of other things, or else you yourselves will become like them: God will gather all the hypocrites and disbelievers together into Hell. (4:140)[34]

It is remarkable that, in this verse, the Qur'an ordered no violence against those who publicly "deny and ridicule" Islam's most sacred symbol—God's revelation. It did not even call for silencing them through any threat or coercion. Instead, it simply instructed believers to walk away.

Meanwhile, although the last part of the preceding verse did threaten "hypocrites and disbelievers" with God's punishment in hell, it did not decree

any human punishment on this earth. This is a recurrent theme throughout the Qur'an: Believers, including the Prophet, are commanded to preach the truths of Islam to people while leaving the verdict to God.[35] Conversely, worldly misdeeds against people—such as aggression, persecution, theft, or murder—are to be punished by men, here and now.[36]

So by relying on these Qur'anic guidelines, can Muslims develop a new perspective on blasphemy?

"The Freedom to Blaspheme"

A notable answer to that question was offered by Imam Shabir Ally, president of the Islamic Information & Dawah Centre International in Toronto. Born in Guyana, he is a prominent Muslim scholar in the Western world who articulates the truths and virtues of Islam while offering fresh thinking on contemporary issues in his popular podcast, *Let the Qur'an Speak*. In a 2020 episode titled "How Should Muslims Respond to Blasphemy?," he argued that the grim verdict found in the Islamic legal tradition on blasphemy—the death penalty—was a deviation from the Qur'an:

> We have to confront that tradition [of violently punishing blasphemy]. We have to say that this tradition developed away from the Qur'an. [Because] the Qur'an shows that the blasphemer has the freedom to blaspheme in this life. God is going to bring them to justice in the life hereafter. But in terms of this life, there is no penalty that is mentioned, no physical punishment to be meted out in this world.[37]

Imam Ally added that if God and His Prophet really needed blasphemy laws, they could have explicitly enacted them:

> When the Muslim policy was set up, the Prophet Muhammad, peace be upon him, became the virtual ruler of Medina. He controlled that polity, and he could have enacted laws which said that the blasphemer should be killed. . . . But the Qur'an, which is a very authentic document, certainly coming from within his lifetime, does not have anything like this that says that the blasphemer should be penalized in this life.[38]

And these Qur'anic guidelines, Imam Ally argued, "set up for us the model on how we deal with blasphemy":

> If somebody is saying something that's wrong, we do a fact check and we present the correct information. And if we present the correct information, that will be the way of calling the criticism. And of course, if some people are stubborn, they want to remain critics, they want to remain disbelievers, that is the freedom that God has already given them.[39]

Indeed, according to the Qur'an, God has given ample freedom to humankind. It includes the freedom to believe or disbelieve.[40] It includes the freedom to speak in favor of religion or against it.[41] It also includes "the freedom to blaspheme." And it may be time for Muslims who advocate for violent punishment of blasphemy, whether in Pakistan or elsewhere, to rediscover this Qur'anic magnanimity. That means abolishing blasphemy laws, standing against any mob violence, and responding to any offensive speech in the manner the Qur'an prescribes as the proper Muslim response to "frivolous talk":

> We have our deeds, and you have yours. Peace be with you. (28:55)

Notes

[1] In Pakistan, an act or speech is termed "blasphemous" when it is viewed as disrespectful or offensive toward Islam, the Prophet Muhammad (peace be upon him), the Qur'an, or other sacred symbols of the faith. The country's laws—particularly Sections 295–298 of the Penal Code—prescribe harsh penalties for such acts, including life imprisonment or even the death penalty.

[2] A. Hashim, "Pakistan Student Killed Over Alleged Blasphemy," Al Jazeera, April 13, 2017; and "Mashal Khan Case: Death Sentence for Pakistan 'Blasphemy' Murder," BBC News, February 7, 2018.

[3] The term, which has some roots in traditional Islamic law, has been used by extremists in Pakistan as a slur and threat against perceived blasphemers and heretics.

See Muhammad Nafees, *Blasphemy Cases in Pakistan: 1947–2021* (Center for Research and Security Studies, 2021).

[4] Centre for Social Justice Pakistan, "Human Rights Observer 2025: A Fact Sheet on Key Issues Related to Religious Freedom and Minorities' Rights in Pakistan," April 2025.

[5] According to the "Human Rights Observer 2025" report, 54 percent of those accused of blasphemy between 1987 and 2024 were Muslims, 30 percent were Ahmadis, 11 percent were Christians, and 3 percent were Hindus.

[6] Information about Tehreek-e-Labbaik Pakistan's ideology and its political activities is available on its official website, https://tlp.org.pk/.

[7] Ahmad Noorani, "Pakistan's Blasphemy Laws: Young Lives Trapped in Digital Entrapment," Fact Focus, February 11, 2025.

[8] Noorani, "Pakistan's Blasphemy Laws."

[9] The video was reported to security agencies, who then had it removed from social media platforms.

[10] Several countries maintain the death penalty for apostasy or blasphemy, including Afghanistan, Brunei, Iran, Mauritania, Nigeria (in its northern states), Pakistan, and Saudi Arabia. Jubilee Campaign, "The Death Penalty for Apostasy & Blasphemy: Submission to the United Nations Special Rapporteur," December 28, 2020.

[11] According to a 2020 report, aside from Pakistan, the countries with the highest number of blasphemy cases included Iran, Russia, India, Egypt, Indonesia, Yemen, Bangladesh, Saudi Arabia, Kuwait, and Nigeria. Joelle Fiss and Jocelyn Getgen Kestenbaum, *Violating Rights: Enforcing the World's Blasphemy Laws* (US Commission on International Religious Freedom, 2020), p. 18.

[12] The same report also indicates that Pakistan is followed by Bangladesh, Nigeria, Egypt, Indonesia, and Jordan in blasphemy-related incidents involving mob activity, violence, or threats thereof. Fiss and Kestenbaum, *Violating Rights*, p. 27.

[13] Javed Ahmad Ghamidi notes that "some scholars have proffered verses 5:33–34 as a possible basis for punishing blasphemy." Ghamidi, "Punishment for Blasphemy Against the Prophet (sws)," Ask Ghamidi, June 25, 2020.

[14] Al-Wahidi, *Asbab al-Nuzul* (Royal Aal al-Bayt Institute for Islamic Thought, 2008), p. 68.

[15] Seyyed Hossein Nasr et al., *The Study Quran: A New Translation and Commentary* (HarperOne, 2017), p. 293.

[16] As noted by Abdullah Saeed, "No Qur'anic text or authentic hadith clearly stipulates the death penalty for blasphemy." Saeed, "Blasphemy Laws in Islam: Towards a Rethinking?," in *Freedom of Expression in Islam: Challenging Apostasy and Blasphemy Laws*, ed. Muhammad Khalid Masud et al. (I. B. Tauris, 2021), p. 26.

[17] Ghamidi "Punishment for Blasphemy Against the Prophet (sws)."

[18] Ghamidi, "Punishment for Blasphemy Against the Prophet (sws)."

[19] Also see Taha Jabir al-Alwani, *Apostasy in Islam: A Historical and Scriptural Analysis*, trans. Nancy Roberts (International Institute of Islamic Thought, 2011), pp. 51–52.

[20] Ghamidi, "Punishment for Blasphemy Against the Prophet (sws)."

[21] Ammar Khan Nasir examines both historical incidents and their various interpretations with a focus on the Hanafi position. His work is one of the most thorough and critically engaged studies on the subject, offering a nuanced analysis of the different scholarly perspectives. Nasir, *Baraheen (Treatise)* (Dar ul Kitab, 2008), pp. 447–599.

[22] Saeed, "Blasphemy Laws in Islam," p. 26.

[23] Abu Hanifa's statement (*lā yuqtalu ya'nī lladhī hum 'alayhi min al-shirki a'ẓamu*) is quoted in Ibn Taymiyya, *Al-Ṣārim al-Maslūl*, p. 3. Quoted here from Mark S. Wagner, "The Problem of Non-Muslims Who Insult the Prophet Muhammad," *Journal of the American Oriental Society* 135, no. 3 (2015): 530.

[24] Sahl al-Sarakhsi, *al-Mabsut* (Dar al-Ma' rifa, n.d.), *al-Shamila*, 2016 ed., vol. 10, p. 110. Quoted here from Muhammad Khalid Masud, "Reading Ibn Taymiyya's al-Ṣārim: Hermeneutic Shifts in the Definition of Blasphemy," in Masud et al., *Freedom of Expression in Islam*, p. 84.

[25] Arafat Mazhar and Syed Zainuddin Moulvi, "Plurality, Dissent and Hegemony: The Story Behind Pakistan's Blasphemy Law," in Masud et al., *Freedom of Expression in Islam*, pp. 131–56.

[26] Muhammad Mushtaq Ahmad, "Pakistani Blasphemy Law Between *Hadd* and *Siyāsah*: A Plea for Reappraisal of the Ismail Qureshi Case," *Islamic Studies* 57, no. 1–2 (2018): 9–44.

[27] Saeed, "Blasphemy Laws in Islam," p. 27.

[28] This insecurity factor was observed by Arafat Mazhar and Syed Zainuddin Moulvi in their examination of Pakistan's blasphemy laws and their popularity among conservative clerics. Owing to "sociopolitical factors," they note, "adopting a hard-line approach to the blasphemy issue seems to be an effective rallying point for many parallel religious ideologies against a perceived global threat to Islam." Mazhar and Moulvi, "Plurality, Dissent and Hegemony," p. 147.

[29] "Sri Lankan Factory Manager Lynched and Set on Fire in Pakistan," Al Jazeera, December 3, 2021.

[30] Ibn Ishaq, *The Life of Muhammad: A Translation of Ibn Ishaq's Sirat Rasul Allah*, trans. Alfred Guillaume (Oxford University Press, 1955), p. 119.

[31] These blasphemous words against the Prophet and the Qur'an are quoted in verses 15:6 and 46:7.

[32] Many traditional exegetes agreed that the first revelation of the Qur'an that allowed Muslims to engage in armed struggle was in verses 22:39–40: "Those who have been attacked are permitted to take up arms because they have been wronged—God has the power to help them. They are those who have been expelled from their homes for no reason other than proclaiming: 'Our Lord is Allah.'"

[33] Fakhr al-Din al-Razi, *The Great Exegesis: Al-Tafsir al Kabir*, commentary on verse 3:186. Here al-Razi also writes that another commentator, al-Wahidi, considered this verse as "abrogated" with the verse of the sword (9:5), but argues that this is a "weak" opinion and that the stronger opinion is that the verse is forever valid.

[34] The reference to what was "already revealed to you in the Scripture" is most probably verse 6:68 from the Meccan period, which is very similar in wording and meaning: "When you come across people who speak with scorn about Our revelations, turn away from them until they move on to another topic. If Satan should make you forget, then, when you have remembered, do not sit with those who are doing wrong."

[35] For an analysis of this theology of restraint in the Qur'an, see Javad T. Hashmi, "The Apocalypse of Peace: Eschatological Pacifism in the Meccan Qur'an," *Islam and Christian–Muslim Relations* 35, no. 4 (2025): 329–71.

[36] For this distinction in the Qur'an between acts that are legally penalized versus acts that are merely condemned as sins, whose punishments are left to the afterlife, see Mustafa Akyol, *Why, as a Muslim, I Defend Liberty* (Cato Institute, 2021), pp. 30–35.

[37] Shabir Ally, "How Should Muslims Respond to Blasphemy?," *Let the Qur'an Speak*, YouTube.com, November 2, 2020.

[38] Ally, "How Should Muslims Respond to Blasphemy?."

[39] Ally, "How Should Muslims Respond to Blasphemy?." In apparent agreement with this view, Abdullah Saeed concludes: "Indeed, there is no reason why Muslims cannot accept a concept of freedom of expression informed by contemporary human rights standards and the vast array of Qur'anic verses that seem to support such a freedom." Saeed, "Blasphemy Laws in Islam," p. 29.

[40] Verse 18:29 states this freedom clearly: "Say, 'Now the truth has come from your Lord: Let those who wish to believe in it do so and let those who wish to reject it do so.'"

[41] The latter freedom, to speak against religion, is repeatedly granted in the Qur'an as an intellectual challenge to unbelievers to "bring" their proofs. See verses 2:23, 2:111, 10:38, 11:13, 21:24, 27:64, 28:75, 37:157, and 46:4.

CHAPTER 4

Fasting for God, Not Society

The Religious Case Against Ramadan Laws

Mohamed Lamallam

Muslims fast for God, so only God can penalize those who don't.
—Mohamed Abdullah Nasr, Egyptian scholar[1]

In 2022, Tunisia witnessed the prosecution of five young men, including a café owner, for eating in public during Ramadan, the ninth month of the Islamic lunar calendar, when Muslims are religiously required to fast. Although their trial sparked protests from civil society groups, one of the accused was sentenced to two months in jail.[2]

Interestingly, unlike some other Muslim-majority countries, Tunisia has no specific law that criminalizes eating in public during the holy month. Instead, the individuals in this case—and others like it[3]—were charged under Article 226 of the Tunisian criminal code, which punishes persons who "violate public decency" with up to six months in jail and a fine of 48 dinars (approximately $16).[4] Despite such incidents, some cafés remain open during Ramadan, and many nonpracticing Tunisians still eat in public for a range of reasons, including health conditions, personal beliefs, and religious difference. In turn, those observing the fast often denounce these acts as disrespectful to the religious and social norms of the Tunisian majority.[5]

The 2022 incident in Tunisia is not an isolated case. Similar controversies arise almost every year across the Muslim world during the holy month. Social media campaigns—such as the 2024 #EatingIsNotACrime—have amplified

the voices of activists opposing these restrictions.[6] Meanwhile, the defenders of laws restricting eating in public during Ramadan, whether for religious or secular reasons, argue that such laws are necessary to preserve communal values and maintain social harmony.[7]

Ramadan Laws in the Muslim World

There is no uniformity on this matter across Muslim-majority countries, as legal approaches to public eating vary during Ramadan; however, we can speak of three broad categories.

The first category contains Muslim-majority countries where religious observance is widespread, yet they have no legal restrictions on eating in public during Ramadan. This group includes most Muslim-majority nations outside the Middle East—from Turkey to Indonesia, and from the Balkans to Central Asia—where fasting is largely practiced voluntarily, without state enforcement. In the Arab world, Mauritania also falls into this category: Although public eating during the holy month is socially frowned upon, the state does not impose legal penalties.

The second category consists of countries that lack specific laws criminalizing public eating during Ramadan but occasionally prosecute individuals under "public decency" laws. In Tunisia, as noted, no legislation explicitly bans eating in public during Ramadan; however, authorities have detained individuals using these laws. Similarly, in Algeria, Article 278 of the Penal Code criminalizes acts that "purge decency" with penalties of up to one year in jail or a fine, which allows authorities to prosecute eating in public during fasting hours.[8] Similar cases have occurred in Egypt. Although no Ramadan laws exist in the country, public eating has led to arrests under decency statutes.[9] The Egyptian Dar al-Ifta, the government body authorized to issue religious rulings, defended these arrests, stating:

> Eating publicly during the day in Ramadan is not within the personal freedoms of a person. It is a type of anarchy and an attack on the sacredness of Islam. Eating publicly during the day in Ramadan is

> sinning in public. This is forbidden, as well as offending public taste and decency in Muslim countries. It is also a flagrant violation of the sanctity of society and the right of its sacred beliefs to be respected.[10]

The third category consists of countries with explicit legal prohibitions against eating in public during Ramadan. These laws are typically justified on the grounds of preserving public order and are enforced through fines or jail sentences. In Morocco, Article 222 of the Penal Code states:

> A person commonly known to be Muslim who violates the fast in a public place during Ramadan, without having one of the justifications allowed by Islam, shall be punished by one to six months in prison and a fine of 200 dirhams.[11]

Likewise, in Kuwait, Article 44 of the 1968 Penal Code prescribes up to one month in jail, a fine, or both. In Qatar, Article 267 of the 2004 Penal Code punishes public eating with up to three months in jail or a fine.[12] Qatar, unlike many of these countries, does not differentiate between Muslims and non-Muslims regarding Ramadan fasting laws.

The Islamic Republic of Iran, unsurprisingly, also enforces strict controls during the holy month. According to Article 638 of its Penal Code, individuals who openly commit a *haram* (religiously forbidden) act in public places or on roads can be sentenced to up to two months' imprisonment or up to 74 lashes. Although the code does not explicitly mention eating during Ramadan, this provision has been applied to those who eat or drink in public during fasting hours.[13]

Outside the Middle East, some Muslim-majority countries, including Pakistan, Malaysia, and Nigeria, also have Ramadan laws. In Pakistan, the "Ehtram-e-Ramazan (Respect for Ramadan) Ordinance" was issued in 1981 during the height of the "Islamization of laws" campaign under General Muhammad Zia-ul-Haq's military regime. It decrees three months in prison for Muslims who publicly break the fast, and six months in prison for restaurant or hotel owners who serve food during fasting hours.[14] Combined with

social pressure, this law has had some lethal effects: In 2015, when Ramadan coincided with extreme heat waves in June and July, over a thousand people died of dehydration during fasting. "Some people were reluctant to ask for a drink of water," as a Pakistani journalist observed, while "others were reluctant to offer it to them."[15]

Similarly, in Malaysia, Muslims caught eating or drinking during fasting hours can face fines and prison sentences of up to one year. Restaurants and eateries are required to stop serving food during Ramadan, which has caused a hardship for pregnant or breastfeeding women, who are not obligated to fast, as well as on non-Muslims, who are exempt by definition.[16] In northern Nigeria, where certain states have introduced Sharia legislation since 1999, Muslims who break the Ramadan fast are routinely arrested. Sometimes, locals who are "enraged after seeing people eating in public" call the religious police to have fast breakers detained.[17]

Proponents of Ramadan laws claim that the laws are protective measures to maintain public order, rather than instruments of religious enforcement. Given the holy month's cultural significance, they argue, restrictive laws are necessary to maintain social peace and respect for the majority's religious practices.[18] In Morocco, former Minister of Justice Mustapha al-Ramid expressed this rationale in 2019:

> Moroccan society is sensitive to the public breaking of the fast of Ramadan; therefore, eating in public should be prohibited. This is meant to protect both those who do not observe the ritual [by requiring them to eat in private] as well as the sensitivities of society.[19]

Al-Ramid's argument gives the state a central role in shaping and enforcing Ramadan observance. It calls for state intervention, despite the social tensions it may generate. Many religious figures and political parties in Muslim countries support this reasoning, while liberal activists call for the repeal of Ramadan laws in the name of personal freedoms—creating the impression of a stark divide between the religious and the secular. Yet there is a way

to approach this issue that is both authentically Islamic and respectful of individual liberty, as we will examine in this chapter.

Commanding the Fast?

To begin with, there is no doubt that widespread observance of Ramadan deeply shapes sociocultural norms across Muslim societies. Visitors to majority-Muslim countries during this sacred month quickly notice its effect: Restaurants and cafés close, business hours shift, every person looking like a local is assumed to be fasting, and daily life revolves around fasting times. Fasting appears to be the widely accepted norm, the common way of life, the right thing to do. In this sense, most Muslim-majority societies naturally encourage fasting, as most cultures reinforce their shared values, without needing to resort to coercion.

The question we address here is whether the state should intervene coercively in this social context, by deploying its police forces and legal apparatus to dictate the Ramadan observance and go after those who appear nonobservant.

When we look for an answer, we encounter a surprising fact: Laws prohibiting eating in public during Ramadan are a relatively new phenomenon in Muslim-majority countries. In the premodern era, states were not tasked with enforcing fasting, because Islamic jurisprudence—*fiqh*, or the interpretation of the Sharia—did not prescribe any punishment for eating in public during Ramadan. Fiqh manuals do contain extensive discussions about Muslims who break their fasts, but their focus is on personal observance: clarifying what invalidates the fast and what compensations are required. For example, individuals with valid reasons such as illness or travel must make up missed days, while intentional violations require heavier expiation, such as fasting two consecutive months or feeding 60 poor people. As noted by Islamic law scholar Mohammad Hashim Kamali, when it comes to fasting and similar matters of personal piety, the Sharia seems focused on "expiation or atonement," which is "primarily concerned with the relationship of man with his Creator."[20]

Nevertheless, the idea of religious or moral coercion is not absent from classical Islamic jurisprudence. Therefore, modern proponents of Ramadan laws refer to traditional precedents, particularly the concept of *hisbah* (accountability). As an institution, hisbah originated during the Prophet Muhammad's time as a mechanism for ensuring fair trade and preventing fraud in the marketplace. It is often associated with the Qur'anic concept of *al-amr bi'l-ma'ruf wa'l-nahy 'an al-munkar*, or "commanding the right and forbidding the wrong," which makes it a moral duty on Muslims not only to act rightly but also to prevent others from doing wrong.[21] For instance, the Qur'an commands believers: "Let there be a group among you who call others to goodness, encourage what is good, and forbid what is evil, it is they who will be successful" (3:104).[22] Despite this Qur'anic injunction, it was not until the year 773 CE, during the Abbasid Caliphate, that hisbah became a formal public office.[23] Over time, its scope expanded to include various aspects of public behavior—a practice that persisted into the modern era. In modern-day Saudi Arabia, for instance, the Commission for the Promotion of Virtue and Prevention of Vice was tasked with monitoring public conduct and religious observance, including prohibiting public eating during Ramadan, which it perceived as a violation of the sanctity of fasting.[24]

Those who support such state enforcement of Ramadan observance argue that legal intervention is required because it helps prevent individuals and groups from attempting to enforce religious practice by themselves. However, the recurring controversy over Ramadan laws suggests otherwise. Instead, state intervention seems to heighten social tensions and transform an act of worship into an annual political protest. Every year, some activists protest Ramadan laws by deliberately eating or smoking[25] in public to challenge what they see as state overreach into personal freedoms.[26]

The question, then, is whether Islamic thought can offer a framework that allows Muslims to promote moral good while respecting individual freedom and preserving the sanctity of worship without state coercion. In other words, can the principle of "No compulsion in religion" be applied in the context of Ramadan fasting as well?

An Islamic Objection

In recent years, that question has been affirmatively answered by some prominent Muslim scholars. Their objection to Ramadan laws revolves around two key themes: the incompatibility of religious coercion with personal conviction and the state's manipulation of these laws for political ends.

One of these scholars is Ahmed Al-Raysuni, a prominent Moroccan jurist who also served as the president of the International Union of Muslim Scholars from 2018 to 2022. Despite some of his conservative stances on the relationship between individual freedoms and public morality, al-Raysuni has repeatedly called for the abolition of laws penalizing public eating during Ramadan. His reasoning is straightforward: Religious observance must stem from inner conviction rather than external compulsion.[27] Hence, he rejects the argument that such laws are necessary to preserve social order, even in light of the sensitivities surrounding fasting. In fact, in a 2016 interview, al-Raysuni was asked about his views on the people who eat in public during Ramadan—not out of necessity, but as an act of protest. The journalist posed the question as follows: "If someone chooses to eat in public during the daytime in Ramadan as a form of expression, regardless of whether they have a legitimate religious excuse, is there a problem with that?" Al-Raysuni replied:

> There is no problem with that, because in my view, no one has the right to ask them why they are not fasting. The matter is between them and God. . . . That is why I do not support the law in this matter. I favor the repeal of Article 222 of the Penal Code, because we do not need it. In fact, it leads to the misleading outcome that Moroccans fast under pressure from the criminal law.[28]

Al-Raysuni also points out that Islamic jurisprudence itself allows exemptions from fasting for valid religious reasons—illness, pregnancy, and travel—yet Ramadan laws disregard these nuances: "If we consider religious excuses, we will find out that at least about 10% of Moroccans are allowed—or are even required—to eat during Ramadan."[29] Therefore, if the state bans eating in public, it will be imposing fasting on people who are religiously required to eat.

Freedom as *Fitra*

Al-Raysuni's criticism is grounded in a theological conception of freedom that is noteworthy. He views freedom as a part of *fitra*—a Qur'anic reference to the natural disposition that defines the essence of being human, before any social influences.[30] This is evident in the primordial event of creation mentioned in the Qur'an. Here, in verse 2:31, we read that after creating Adam, God "taught Adam all the names." This means, according al-Raysuni, that the first capacity given to human beings is speech and the ability for self-expression. This God-given capacity precedes any other virtuous act, either religious or otherwise, since "the first thing God taught Adam was not performing his prayer, [or] breadwinning. . . . The first thing after or with his creation was *bayan* (ability for clear self-expression) and the names needed for such capacity."[31]

Although this is an argument for freedom of expression, it also sets the stage for the theorizing of freedom as the very essence of humanity. For al-Raysuni, this means that freedom is more than a human right; it is a natural disposition (fitra) and the very essence of humanity upon which rights are predicated.[32] Freedom, therefore, precedes religion—as people must first be free, so they are able to choose to be religious or otherwise.

From this point on, al-Raysuni criticizes state restrictions on freedom, not just in his native Morocco but also in other Muslim lands. In a 2009 article titled "Islamists and the Test of Freedom," he surveys cases from Iran to Sudan in which individual freedoms were restricted by Islamist governments, allegedly to promote Islamic moral values.[33] He finds these experiments unhelpful and self-defeating. Similarly, in the same article, with regard to a dress code law for female lawyers that was dictated by Islamist authorities in the Gaza Strip in 2009, al-Raysuni says:

> There is a law in Gaza, related one way or another to Hamas, regarding the dress code of female lawyers in courts. Regardless of the legal and judicial prerogatives of those making this decision, it has other Islamic legal aspects as well as political consequences that should not be ignored. . . . In any event, this is another test that reflects the preference

> of Islamists—like other rulers—to resort to political power, instead of personal religious conviction. . . . Hamas preferred to rely on the restriction of freedom "to serve Islam" instead of relying essentially on giving more freedoms to better serve Islam in a correct and successful way.[34]

So the right way to "serve Islam" would be not to restrict freedom, according to al-Raysuni, but to expand it.

Al-Raysuni raised another argument against religious coercion such as the Ramadan laws: that these laws can be weaponized to punish political opponents, as seen in Morocco's own history.[35] Soon after Morocco gained independence from France in 1956, the new country's political life was marked by a power struggle between the monarchy and various nationalist forces. In the 1960s, King Hassan II faced fierce opposition from a communist movement that viewed the monarchy as an outdated system. The monarchy's alliance with the West against the Soviet Union further widened the gap between the king and his communist opponents. In March 1965, protests erupted in Casablanca and other cities against the government, leading to the deaths of over 100 people, including several law enforcement officers.[36] In response to the growing influence of the communists—particularly their control of the education system—Hassan II implemented religious policies aimed at curbing their power.[37] He issued regulations mandating religious education and prayer in schools. Additionally, he signed into law Article 222 of the Penal Code, which, as discussed, criminalizes eating in public during Ramadan.[38]

In other words, the underlying rationale behind Morocco's Ramadan laws was to counter the atheistic communist influence over public education in the 1960s. Although resisting that influence may have been a legitimate objective, instrumentalizing religion for political purposes risks compromising the spiritual integrity of the faith.

As al-Raysuni's stance illustrates, some religious scholars have recognized the problems inherent in Ramadan laws. However, critiquing these laws is not enough. Scholars need to develop a framework that counters religious coercion more generally. Without such a framework, the persistence of Ramadan laws, and similar laws, will continue.

Religious Grounds for Noncoercion

Although the Qur'anic maxim "No compulsion in religion" has occasionally surfaced in public debates around Ramadan laws, it has yet to be systematically applied.[39] However, recent developments in Islamic thought show promise—with Morocco's official religious discourse offering a particularly illuminating example.

This is most evident in a 2016 booklet published by the Supreme Council of the Ulama—the official body of Morocco's religious scholars—in which they argued that the concept of freedom requires deeper exploration within Islamic thought. The scholars sought to articulate a normative vision of freedom in Islam, one that upholds "the freedom and protection of religious practice, based on the principle of 'No compulsion in religion,'" as well as "the recognition of the right to the co-existence of different religions within a single nation."[40] They also criticized the mindset of religious scholars who assumed that "obedience depends on compulsion":

> Understanding freedom presents a problem for the religious scholars (ulama) tasked with delivering religious guidance. This is because a belief persists that deviating from the directives of religion or its prohibitions arises from the freedom of those who disagree [with religious tenets]. If people lacked freedom they could not fall into sin. It is evident that this type of reasoning assumes that obedience depends on compulsion, which is incompatible with the clear text of revelation.[41]

The "clear text of revelation" the council referred to here is the Qur'anic maxim in verse 2:256: "There is no compulsion in religion." Notably, in affirming this, Morocco's leading scholars emphasized that the principle of "No compulsion" should not be confined to sparing non-Muslims from forced conversions. It must also apply within Islam itself.

The Moroccan Supreme Council of the Ulama also cited an event from the *sirah*—the Prophet's biography—to support their articulation of freedom in Islam. This was a case involving a man who left Islam and fled Medina. The Prophet dismissed him without penalty, only with a verbal disapproval: "Medina

expels its evil, and its good glows."[42] Furthermore, the council clarified that the military campaigns of the first caliph Abu Bakr against tribes that renounced their allegiance to Medina after the Prophet's death—the so-called *Riddah* Wars—were political rather than religious in nature. This distinction challenges the long-standing view that used these wars as a justification for criminalizing "apostasy" from Islam, which has been a key element of religious coercion in the Islamic tradition and is addressed in chapter 2 of this volume.[43]

To further support its conception of freedom through an Islamic lens, the council drew attention to the Charter of Medina, a political document promulgated by the Prophet Muhammad around the year 622 that guaranteed freedoms for both Muslim and non-Muslim communities in Medina. This precedent underscores the compatibility of religious freedom with Islamic governance and reinforces the idea that state-imposed coercion on matters of faith contradicts such a precedent in Islamic legislation.[44]

By referencing these precedents, the Moroccan Supreme Council of the Ulama reinforced the notion that a true commitment to religious practice stems from voluntary belief and devotion, rather than conformity to external pressure or force. The council's booklet does not address the issue of Ramadan laws specifically; however, their attempts to articulate a concept of religious freedom through an Islamic perspective could be used as a challenge to the legitimacy of coercive laws, such as those surrounding Ramadan observance. All in all, the booklet advocates for an approach that respects individual autonomy while remaining faithful to religious principles.[45]

These ideas have emboldened human rights advocates, who have used them to legitimize demands for legal reform. In a 2023 book titled *Libertés fondamentales au Maroc: Propositions de réforme* (Fundamental Liberties in Morocco: Reform Proposals), a group of intellectuals and activists used the ideas articulated in the *ulama* council's religious defense of religious freedom to advance proposals for reform:

> Freedom of religion has a rightful place within Islam. It can be considered an intrinsic value of the Qur'an's message, as numerous verses

> affirm and guarantee this freedom as an essential foundation for the truthfulness and integrity of faith. . . . For further details, one may refer to the theological manual published by the Supreme Council of the Ulama of Morocco . . . where the necessity of freedom of religious conviction is clearly and officially acknowledged by the Ulama.[66]

So based on the religious ideas of the ulama council, the more secular authors of *Libertés fondamentales au Maroc* advocated for the removal or amendment of various existing laws, including the abolition of the penal code criminalizing eating in public during Ramadan:

> The fact that individuals belonging to the Muslim faith may be sentenced to up to six months in prison for choosing not to fast in a public space constitutes a violation of individual freedoms, which guarantee the right to choose and the free exercise of religious practices.[67]

In other words, although the ulama council had not discussed Ramadan laws specifically, the authors of *Libertés fondamentales au Maroc* have appealed to the council's religious defense of freedom and applied it to the case of Ramadan laws. These developments indicate the possibility of collaboration between religious scholars and secular human rights groups working to enact change in Muslim-majority countries.

For God Alone

As we have seen, the main argument in favor of Ramadan laws is the idea that majority belief needs to be respected and protected. However, opponents of such laws argue that religion, by its very nature, is a matter of personal conviction rather than state enforcement.

A helpful comparison can be drawn regarding the issue of *hijab* (head covering) that illustrates the broader implications of state involvement in religious practices. In Iran, the state mandates wearing the hijab in public, whereas in France the government puts limitations on the practice. Some Muslim-majority countries influenced by French secularism, such as Turkey

and Tunisia, also enforced hijab bans in previous decades. Although the two policies—hijab bans or mandates—are diametrically opposed in intent, the result has been similar: significant social tension and a restriction of Muslim women's freedom. By contrast, mainstream Islamic jurisprudence holds that hijab is a religious obligation; however, most Muslim-majority countries have avoided turning this obligation into a legal requirement. Instead, they have left the decision to wear or not wear the hijab to individual conscience, which has helped avoid controversy and foster a more authentic expression of faith. As this example illustrates, religious practices are most meaningfully observed when grounded in voluntary adherence rather than coercion.

Ramadan laws could follow a similar trajectory, recognizing that genuine religious observance cannot be legislated but must arise from individual conviction. Fasting, in particular, is treated in Islamic sources as one of the most personal and individual acts of worship. A well-known hadith states this emphatically:

> God, the Exalted, says: "Every deed of the child of Adam is for him, except fasting; it is Mine, and I give reward for it. He [the person fasting] abandons his desire and his food for My sake."[48]

Since fasting is an act done solely for God, it should be judged by God alone. In contrast, the enforcement of Ramadan laws in some countries risks reducing acts of worship to mere social rituals, devoid of their spiritual significance. For religious observance to remain authentic and impactful, it must stem from an individual's personal relationship with God—not from fear of the state.

In other words, for religious observance to remain genuine, there really should be "No compulsion in religion." Rather, there should be freedom, which offers the most fertile ground for sincere devotion.

Notes

[1] Sheikh Mohamed Abdullah Nasr is the coordinator of the Azhar Scholars for a Civilian State Front. His comment is from "Is Public Breaking of Ramadan Fast Illegal in Egypt?," *Al Arabiya English*, July 26, 2014.

[2] On this incident, see, for instance, Fayūlā Fahmī, "Mulāḥaqat Al-Mujāhirīn bi-l-Iftār fī Ramaḍān Bayna l-'Urf wa-l-Qānūn" [Prosecuting Those Publicizing Eating in Ramadan Between Custom and Law], *Jusoor Post*, April 23, 2022.

[3] Almost every year, some individuals face legal repercussions in Tunisia for eating or drinking in public during Ramadan. In 2017, for instance, five men were prosecuted for the same charges, sparking protests from local human rights activists and international organizations. Amnesty International, "Tunisia: Fifth Man Facing Jail Term for Breaking Fast During Ramadan," news release, June 13, 2017.

[4] Fahmī, "Mulāḥaqat Al-Mujāhirīn."

[5] For a sample of stances on this issue in Tunisia, see "Al-Iftār al-'Alanī fī Ramaḍān Ẓāhira Tuthīr al-Jadal" [Eating in Public During Ramadan: A Phenomenon Triggering Controversy], *Erem News*, May 28, 2019.

[6] Adil Faouzi, "Debate Resumes over Morocco's Law Criminalizing Public Eating During Ramadan," March 14, 2024.

[7] Bilal Al-Talidi, "Jadal fī al-Maghrib Ḥawla al-Iftār al-'Alanī fī Ramaḍān." [A Controversy in Morocco About Eating in Public During Ramadan], Arabi21, May 21, 2019.

[8] In 2010, two Christian men were detained by the police for eating in public, charging them with "insulting Islam," but they were then acquitted in court for the lack of clear legal grounds for the charges against them. "Algerian Christians Acquitted of Eating During Ramadan," International Christian Concern, Persecution.org, May 10, 2010.

[9] Muḥammad Jamāl 'Abd al-Maqṣūd, "'Uqūbat Jarīmat al-Ijhār bi-l-Iftār fī Shahr Ramaḍān" [Punishment for Eating in Public During the Month of Ramadan], April 26, 2020.

[10] "'Don't Eat in Public': Ramadan Edict Angers Egyptians," BBC, June 16, 2016.

[11] Al-Talidi, "Jadal fī al-Maghrib."

[12] "Qānūn raqm 11 li-sanat 2004 bi-iṣdār qānūn al-'uqūbāt" [Law No. 11 of the Year 2004 Issuing the Penal Code], Qatar Legal Portal, Ministry of Justice, May 30, 2004.

[13] See "Iran: 20 People Lashed for Eating or Drinking During Ramadan Fasting Hours," Iran Human Rights, June 12, 2017.

[14] *The Ehtram-e-Ramazan Ordinance, 1981*, Ordinance No. 23 of 1981, promulgated June 25, 1981, Government of Pakistan.

[15] Mohammed Hanif, "In Karachi, a Fatal Mix of Heat and Piety," *New York Times*, June 26, 2015.

[16] Heather Chen, "Raids and Fines for Ramadan Fast Breaking Spotlight Rising Religious Conservatism in Multicultural Malaysia," CNN, April 8, 2024.

[17] Such local calls to the religious police were reported by the deputy commander of the hisbah police, Mujahid Aminudeen. See Mansur Abubakar, "Nigerian Muslims Arrested for Eating in Public During Ramadan," BBC, March 3, 2025.

[18] Many organizations refused the argument of social peace in the incident of five Tunisian men. Fahmi, "Mulāḥaqat Al-Mujāhirīn."

[19] Rajae Gharb, "Al-Ifṭār 'Alanan fī al-Maghrib: Jarīma am 'Lā Ikrāha fī al-Dīn?'" [Eating in Public During Ramadan in Morocco: A Crime or "No Compulsion in Religion?"], Ultra Sawt, May 16, 2019.

[20] Hashim Kamali, *Crime and Punishment in Islamic Law: A Fresh Interpretation* (Oxford University Press, 2019), p. 180.

[21] To date, the more expanded discussion of the history of the concept of "commanding the right and forbidding the wrong," and relatedly the institution of hisbah, is the following volume: Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge University Press, 2004). The book is notable for its meticulous attention to the vast array of doctrines on the exact meanings and applications of commanding the right and forbidding the wrong throughout Islamic history.

[22] A similar injunction is found in the following Qur'anic verses: 3:110, 3:114, 7:157, 9:71, 9:112, 22:41, and 31:17.

[23] Abū Ja'far Muḥammad ibn Jarīr Al-Ṭabarī, *The History of al-Ṭabarī*, vol. 24, *Al-Manṣūr and Al-Mahdī*, trans., Hugh Kennedy (State University of New York Press, 1990), p. 9.

[24] These are explicitly stated in the reorganization of the bureau in 1981. See "Tanẓīm al-Ri'āsa al- 'Āmma l-Hay'at al-Amar bi-l-Ma'rūf wa-l-Nahy 'an al-Munkar" [Organization of the General Presidency of the Commission for Promotion of Virtue and Prevention of Vice], Bureau of Experts at the Council of Ministers, January 23, 1981.

[25] To denounce Ramadan-related prosecutions, activists used smoking or other ways of protest that are perceived as bad behaviors or provocative acts by many Muslims. See, for instance, "Rights Groups Slam 'Absurd' Ramadan Penalties in Tunisia," *Naharnet*, June 13, 2017.

[26] Al-Talidi, "Jadal fi al-Maghrib."

[27] Al-Talidi, "Jadal fi al-Maghrib." His stance has drawn criticism from religious and secular voices, many of whom maintain that the state should actively promote and safeguard a sacred religious practice. Abdellah al-Jabbari, "Al-Raysuni wa-Tajrim al-Ifṭār al-'Alanī fi Ramaḍān: Mulāḥaẓāt Awwaliyya" [Al-Raysuni and the Criminalization of Eating in Public in Ramadan: Preliminary Remarks], *Hespress*, June 24, 2016.

[28] Ahmed Al-Raysuni, "Ḥiwār Jarīdat al-Ayyām ma'a l-Ustādh Al-Raissouni (3/4)" [*al-Ayyām* Newspaper's Interview with Professor al-Raysuni (3/4)], interviewed by Mohammad Karim Boukhaskhas, *Jarīdat al-Ayyām*, April 12, 2018.

[29] Al-Raysuni, "Ḥiwār Jarīdat al-Ayyām."

[30] The term *fitra* is found in Qur'an verse 30:30, which reads: "Stand firm and true in your devotion to the religion. This is the natural disposition [*fitra*] God instilled in mankind. . . ." Whereas many commentators have equated this disposition with Islam itself, or at least monotheism, others have defined it as pristine human nature that precedes particular religious traditions.

[31] Ahmed Al-Raysuni, *Al-Fikr al-Islāmī wa-Qaḍāyānā l-Siyāsiyya al-Mu'āṣira* [Islamic Thought and Our Contemporary Political Issues] (Dār al-Kalima, 2013), p. 63. For more on his concept of freedom, see Mohamed Lamallam, "Ahmed Al-Raissouni's Minimalist Political Theory: Freedom at the Nexus of Human *Fitra*, Public Morality, and State Power," in *Contemporary Moroccan Thought: On Philosophy, Theology, Society, and Culture*, ed., Mohammad Hashas (Brill, 2025), pp. 435–59.

[32] Al-Raysuni, *al-Fikr al-islāmī*, p. 65.

[33] Ahmed Al-Raysuni, "Al-Islāmiyyūn Wa-l-Mtiḥān Al-Ḥurriyya," in *Murāja'āt wa-Mudāfa'āt* [Revisions and Defenses] (Dār al-Kalima, 2013), p. 28.

[34] Al-Raysuni, "Al-Islāmiyyūn Wa-l-Mtiḥān Al-Ḥurriyya," p. 28.

[35] Al-Talidi, "Jadal fi al-Maghrib."

[36] "Morocco Riot Leaders Fined, Jailed," *Press Democrat*, March 25, 1965.

[37] Hasan Aourid, *Al-Siyāsa wa-l-Dīn fi l-Maghrib: Jadaliyyat al-Sulṭān wa-l-Furqān* [Politics and Religion in Morocco: The Dialectic of Political Authority and Revelation], 1st ed. (Al-Markaz al-Thaqāfi al-'Arabī, 2020), esp., pp. 17–56.

[38] In his memoirs, the prominent Moroccan politician Mahjoubi Aherdan documented the shift in Hassan II's and his government's discourse from a secular to a religious fundamentalist outlook, which instrumentalized religion to counter

political opponents. Aherdan, *Mémoirs*, vol. 2, p. 171. Cited in Aourid, *Al-Siyāsa wa-l-Dīn fī l-Maghrib*, pp. 20–21.

[39] Gharb, "Al-Iftār 'Alanan fī al-Maghrib."

[40] Ayt I'zza, Aḥmad, Idrīs Ibn Al-Ḍāwiya, Sa'īd Bīhī, Sa'īd Shabbār and Muḥammad Gannūn Al-Ḥasanī, Sabīl Al-'Ulamā' (Rabat: Manshūrāt Al-Majlis Al-'Ilmī Al-A'lā, 2016), p. 76.

[41] Ayt I'zza et al., p. 96.

[42] Ayt I'zza et al., pp. 100–101.

[43] Ayt I'zza et al., p. 101.

[44] Ayt I'zza et al., p. 101.

[45] Proponents of Ramadan laws do not necessarily support state enforcement of religion or disavow religious freedom but argue that if the majority is affected by eating in public, then the state must intervene to ensure public order and prevent vigilante action against those eating and "provoking" the larger society.

[46] Asma Lamrabet et al., *Libertés fondamentales au Maroc:Propositions de réforme* (Éditions le Fennec, 2023), pp. 18–19.

[47] Lamrabet et al., *Libertés fondamentales au Maroc*, p. 56.

[48] Muhammad ibn Ismail al-Bukhari, *Sahih al-Bukhari*, trans. Muhammad Muhsin Khan (Darussalam, 1997), the Book of Fasting, Hadith 1894, the Book of Tawḥīd, Hadith 7492; and Ahmad ibn Hanbal, *Musnad Imam Ahmad bin Hanbal*, trans. Nasiruddin al-Khattab (Darussalam, 2012), Hadith 7494.

CHAPTER 5

How Compulsion in Religion Made Iran Less Religious

Mohamad Machine-Chian

> *The care of souls cannot belong to the civil magistrate [government] because his power consists only in outward force; but true and saving religion consists in the inward persuasion of the mind.*
>
> — John Locke, *A Letter Concerning Toleration*, 1689[1]

In the late 1940s, a young and ambitious Shiite cleric, Ruhollah Khomeini, began to develop a new vision of Islam's relationship with power, diverging significantly from the views of his teacher, Grand Ayatollah Husayn Borujerdi. Khomeini was worried about the rise of secularism and communism as existential threats to Shia Islam while also being disillusioned with traditionalist *marjas* (religious leaders) who, in his view, had grown complacent and accustomed to material life. He also believed that there was untapped potential within Muslim societies—an energy that could be unleashed if clerics abandoned their passive role and took charge. Instead of deferring to an "ignorant, decadent shah," who ruled Iran at the time, the young Khomeini insisted that clerics had to mobilize believers into becoming a political force. There were thousands of mosques in every city in Iran and large numbers of Iranians visiting them regularly, he reminded, adding: "Those are our bases."

Khomeini's frustrations, from his point of view, had some rationale. The traditional Shia system operated as a decentralized network of competing

ayatollahs (high-ranking clerics) with overlapping jurisdictions and no central authority. Each ayatollah relied on voluntary followers who could switch allegiance at will, making it difficult to enforce controversial or unpopular religious decrees. Grand Ayatollah Borujerdi himself, for instance, was widely regarded as the most respected Shia authority of his time, yet his ruling that Pepsi-Cola, then a novelty in Iran, was *haram*—religiously forbidden—was not universally accepted or legally enforced.[2] For Khomeini, this lack of coercive power was a weakness and hindrance to religion, as he envisioned it. He was also dismayed by the fact that ayatollahs were financially dependent on their donors, particularly the *bazaaris,* the powerful merchant class. Hence, when issuing *fatwas*—religious decrees—they had to consider the economic and political repercussions, as wealthy patrons could withhold support if a ruling harmed their interests. For Khomeini, this meant being at the mercy of the capitalists, who were preventing clerics from fully asserting their authority.

Perhaps the biggest problem for Khomeini was the ayatollahs' traditional doctrine of quietism, which discouraged direct involvement in politics. They wielded great social influence and would resist legislation opposing Islamic principles, but they still refrained from challenging rulers or seeking power for themselves. Khomeini found this deeply frustrating.

Borujerdi, a traditional believer in quietism, not only refused to support Khomeini's vision of a highly politicized Islam, but also warned of its dangers. When one of his students, Ayatollah Fazel Lankarani, later asked him why he rejected the idea of Islamic government with an ayatollah in charge, Borujerdi reportedly responded, "These men want to remove the Shah, only to replace him with people like you."[3] Another cleric, Ayatollah Abolghasem Kabir Qomi, a prominent marja himself, questioned what harm there was in such a transition. Borujerdi's reported reply was prescient:

> The Shah oppresses people with guns and cannons. Such power can be resisted. But if you take his place, your weapon will be the people's faith and beliefs. That is a weapon against which resistance is not so easy, and in the process, religion itself will be taken hostage.[4]

Ayatollah Borujerdi's successor, Ayatollah Abolghasem al-Khoei (1899–1992), continued the quietist tradition and rejected Khomeini's doctrine of the guardianship of the jurist.[5] His most notable student, Ali al-Sistani, who would later become a grand ayatollah and the spiritual leader of the Shiite community in Iraq, also believed that the rulings of a jurist cannot be the basis of Islamic government.[6]

After Borujerdi's death, however, Khomeini's radical vision began to gain traction, eventually evolving into a mass movement by the 1970s. When Khomeini finally seized power after the 1979 revolution that toppled the shah's regime, he implemented the very system that Borujerdi had feared. No longer constrained by the financial dependence that had historically tethered the clergy to the bazaaris, Khomeini's cadres took control of the state's already deep coffers, fueled further by soaring oil revenues in the early 1980s. Unlike the prerevolutionary ayatollahs, who had to maintain a delicate balance between their fatwas and the interests of their followers, Khomeini was free from such concerns. He severed the traditional relationship between the seminaries and private donors by integrating religious institutions directly into the public budget. State-backed seminaries and vast religious foundations, known as *bonyads*, emerged, each dedicated to promoting a singular, revolutionary interpretation of Shia Islam. Over the coming decades, the funding of religious institutions surged to astronomical levels, effectively eliminating competing schools of thought. The consent and affirmation of the supreme leader became the sole path to survival for clerics, including ayatollahs, who now depended on state patronage to prosper.

With Islam institutionalized under state support and control, Khomeini sought to mold the next generation into loyal devotees and soldiers of his religious vision. The Islamic Republic, ruling over a very young population, turned schools into indoctrination centers. Millions of young Iranians, including myself, were raised under a system designed to strip away independent thought and replace it with obedience—in theory to God, but in practice to God's deputy on earth, the supreme leader. Through mandatory nationwide

rallies, people were drilled into chanting slogans against the "enemies of God"—or enemies of the state, which became indistinguishable. Public demonstrations became rituals of coercion, in which silence was not an option and performative zeal was the only means of self-preservation. Citizens were forced to participate in what amounted to hours of collective fervor, reinforcing the illusion of mass devotion. In this climate of manufactured consensus, it seemed only a matter of time before Khomeini's vision would be realized.

Yet the result would be the very opposite of what Khomeini had envisioned. Faith, once a source of voluntary devotion in Iran, became entangled with coercion, stripped of its moral and spiritual essence. Over time, Islam was reduced to a tool of political expediency, its sacred symbols repurposed for the survival of the state rather than the salvation of the soul. Rather than foster a deepened commitment to religion, decades of forced conformity bred cynicism, disillusionment, and quiet defiance. As Borujerdi had foreseen, when faith became the weapon of the state, it was faith itself that suffered the greatest damage. Today, Islam's reputation in Iran is irreparably tarnished, not by foreign enemies or secular ideologies, but by those who claimed to be its most devoted guardians. This chapter examines the highlights of this tragic experiment and the lessons that it offers for the broader Muslim world.

The Islamic Republic's Drive to Enforce Piety

Once in power, Khomeini wasted little time in using the state to enforce what he viewed as Islamic values. In his eyes, the revolution's purpose was not just to topple the monarchy but to re-Islamize Iranian society from above.

Hence, the new regime moved swiftly to codify religious norms. Soon after the revolution, the "Islamification" of offices was underway—unveiled women were barred from government jobs and public buildings.[7] In 1983, Parliament officially amended Iran's laws to mandate Islamic dress in public for all women.[8] Henceforth, appearing outside without a veil (typically a *roussari,* or headscarf, and a loose manteau coat) was a punishable offense. Under Article 638 of the new penal code, which criminalized public sin and

indecency, women who violated the dress code could be fined, jailed, or even flogged with up to 74 lashes.[9] The *hijab*, or the Islamic head covering, ceased to be a personal religious choice and became, in effect, the flag of the Islamic Republic—a political weapon wielded to assert the regime's moral authority.

To carry out its vision of public piety, the Islamic Republic also erected an elaborate enforcement apparatus. In the 1980s, revolutionary *komitehs*—committees—and the *Gasht-e Ershad*—morality police—began patrolling the streets of Iranian cities, monitoring for "un-Islamic" behavior, such as improper attire, mixed-gender socializing, and alcohol consumption. Women spotted with loose headscarves, visible hair, colorful clothing, or makeup risked harassment or arrest. Men could be punished for "Western" haircuts or insufficiently modest dress. The new cultural guardians also policed music and entertainment—closing down cafés where unrelated men and women mingled, confiscating "obscene" music cassettes, and banning fashionable jeans. Beaches and buses were segregated by gender. Everyday life, from the schoolroom to the workplace, came under the strict gaze of the self-professed vicegerents of God.

Khomeini justified these intrusions as necessary to save Iranians' souls. He castigated Western influences—from unveiled women to secular education—as plots to corrupt the faithful. In the early days of the revolution, in a speech addressing women in Qom, he said: "Islam wants to save you from this plaything that they want to make of you."[10] In a tactical move, he characterized forcing hijab on women as fighting Western imperialism and its iconic symbol, the modern woman. In response, leftist groups that sought to overthrow the shah—including the communist Tudeh Party and the Marxist-Islamist Mojahadeen Khalq movement—supported mandatory hijab (even though, in the case of the Tudeh Party, they didn't religiously believe in it).[11] These left-wing groups turned out to be shortsighted, however, as they would soon become enemies of the regime.

One of the Islamic Republic's hallmark policies was the system of *gozinesh*, or selection, which was introduced in 1985.[12] This policy imposed rigorous

ideological screenings for access to higher education and public-sector employment. Candidates for universities, government jobs, or even some private posts had to demonstrate loyalty to the Islamic Republic and adherence to Islam—in practice, the Twelver Shi'ism of the ruling establishment.[13] International observers condemned the gozinesh system, designed to exclude anyone not deemed sufficiently "devout," as a violation of the United Nations' Universal Declaration of Human Rights, noting that it makes basic civil rights contingent on one's religion and political fealty.[14] Henceforth, the United Nations repeatedly pressed Iran to abolish these discriminatory criteria, to little avail. For the revolutionary leadership, ideological purity was not a bug but a feature—a tool to ensure that the nation's elites would remain committed to the Islamic system.

Religious minorities in post-1979 Iran suffered some of the harshest consequences of the new policy of enforced piety. The Bahá'ís—one of Iran's largest minorities—endured especially brutal persecution. Branded as "apostates" from Islam (and falsely accused of being "Zionist agents" because of the Bahá'í World Centre in Israel), scores of Bahá'ís were executed in the early 1980s and many more were imprisoned for their beliefs. Their holy places were seized or destroyed; even graveyards were desecrated. The regime denied Bahá'í citizens the most basic rights: They were expelled from universities, and their property was often confiscated.[15]

Other religious minorities also felt the heavy hand of coercion. In theory, the Iranian constitution recognized Christians, Jews, and Zoroastrians as minority religions. In practice, however, members of these groups faced various forms of discrimination, legal restrictions, and limitations on religious freedom. Among Christians, converts from Islam faced the severe threat of the death penalty for apostasy (a deeper problem that is discussed in chapter 2 of this volume). In 1990, the Islamically constituted courts executed Reverend Hossein Soodmand, a Muslim-born pastor, on charges of apostasy and proselytizing Christianity, sending a chilling message to any would-be convert.[16] This was followed by the disappearance or killing of a number of ex-Muslim Christian pastors, such as Bishop Haik Hovsepian Mehr and Reverend Mehdi Dibaj, both in 1994.[17] In the 2010s, Youcef Nadarkhani, another convert to

Christianity, spent many years in jail, on death row.[18] Meanwhile, Jews and Zoroastrians, while officially tolerated as "People of the Book," have also lived under constant suspicion and restrictive laws.[19] Simply put, the Islamic Republic's message to minorities has been clear: Conform or perish.

The "Islamic" regime has been unfair to Iran's Sunni Muslims as well. Although Sunnis make up a significant portion of Iran's population—particularly in border provinces such as Sistan and Baluchestan, and Kurdistan—they have faced systematic marginalization. Authorities have consistently refused to grant construction permits for new Sunni mosques in major cities. Sunni Friday prayer leaders are monitored and sometimes pressured to align with state views, while independent seminaries and Qur'an schools often face restrictions or closure.[20] In a 2014 letter to then-President Hassan Rouhani, Sunni leaders appealed for "equal citizenship" and religious freedom, noting that despite constitutional guarantees, they remained under "unofficial but constant discrimination."[21] The government's refusal to broadcast Sunni religious programs on national television and its censorship of Sunni publications further reflect the systematic attempt to limit Sunni representation in public religious life.

Even members of the Shia majority have not been immune if their views happen to stray from the official line. By the end of the 1980s, the regime had targeted countless political dissidents—Marxists, liberals, and even reformist Islamists, mostly with Shia backgrounds—as "enemies of God." In the bloody summer of 1988, following a fatwa from Ayatollah Khomeini, thousands of imprisoned dissidents were summarily executed for charges like "spreading corruption on earth" and "waging war against God."[22] Estimates suggest thousands were killed, burying much of Iran's 1970s generation of activists in unmarked graves.[23] Their "crimes" were largely holding unapproved views—such as communism, the Bahá'i faith, or opposition to Khomeini's political doctrine of *velayat-e faqih* (guardianship of the jurist).

The cumulative effect of these measures was the construction of a religious police state. In the name of "commanding the right and forbidding the wrong"—*al-amr bi'l-ma'ruf wa'l-nahy 'an al-munkar*—the Islamic Republic

claimed jurisdiction over nearly every aspect of a citizen's life: what one could wear, listen to, read, drink, or believe. Compliance was obtained through a mix of fear and relentless social conditioning. Children grew up reciting prayers and revolutionary slogans in school. University students underwent ideological vetting. Ordinary families learned to keep a low profile in public, reserving any un-Islamic indulgences to the privacy of their own homes—and even there, cautiously. The ideals of the revolution—a moral society of God-fearing citizens—were to be engineered through law and force. Dissenting voices, meanwhile, wondered what kind of faith could be produced by the whip and the gun.

Beyond the Veil: Other Faces of Coercion

The compulsory hijab was the most visible symbol of the Islamic Republic's ideology, but it was by no means the only form of religious coercion in post-revolutionary Iran. Across many spheres of life, the state sought to coercively "commanding the right and forbidding the wrong"—often with unintended and pernicious consequences.

One notable example is the total prohibition of alcohol implemented after 1979. Under the shah, alcohol had been legal and widely available in Iran, while the pious avoided it voluntarily. Conversely, the revolutionary regime banned it outright as un-Islamic, criminalizing even minor possession. Yet this ban did not eliminate drinking in Iran—it merely drove it underground, as an extensive black market for liquor emerged. Smugglers brought vodka across the Caspian Sea or whiskey from the Persian Gulf. Amateur distillers in basements and villages started producing homemade *aragh* (spirits) and wine. Lacking legal, regulated options, many Iranians turned to these dangerous brews. Hence, over the decades Iran witnessed periodic mass poisonings from adulterated alcohol. In one tragic outbreak in 2018, at least 768 people were poisoned across several provinces by methanol-laced bootleg drinks, and 76 died as a result.[24]

Such incidents underscore how a policy intended to uphold Islamic purity ended up endangering public health. Rather than eliminate sin, the alcohol ban often fostered an environment of hypocrisy. Official denial contrasted

with a reality in which, as some observers noted, illicit alcohol delivery could be remarkably efficient. Indeed, despite—or because of—the ban, Iran reportedly developed a thriving culture of private parties where liquor flowed freely out of sight of authorities.[25]

The regime also cracked down on Muslim intellectuals whose ideas were deemed to have strayed into heresy. An early example was Dr. Ahmad Kasravi, a law scholar and author who criticized Shia practices. He was assassinated in 1946 by the militants of *Fadayan-e Islam* (Devotees of Islam), an extremist group whose ideology eventually won the day with the Islamic Revolution. After 1979, Kasravi's works were banned and his followers faced harassment, which became an example of a larger pattern. To date, critics of religion, including atheists, usually keep their convictions to themselves or within trusted circles. Fear of punishment effectively compels outward loyalty to Islam, even from those who inwardly do not believe.

Another arena of enforced orthodoxy has been academic and cultural life. The revolution initially purged universities of dissenting professors during the so-called Cultural Revolution (1980–1983), shutting down campuses for years to "Islamize" the curriculum.[26] When universities reopened, strict codes governed acceptable discourse. Students could be expelled for writings or activities deemed anti-Islamic. Books and media were heavily censored; school textbooks were rewritten to include revolutionary Islamic content. The Ministry of Culture and Islamic Guidance served as an omnipresent gatekeeper for the arts—scripts, songs, and even gallery paintings had to adhere to Islamic values.

Over time, this stifling environment drove many creative and educated Iranians abroad. The 1980s and 1990s saw a brain drain of academics, writers, and artists who found it impossible to work freely under the watchful eye of the cultural commissars. Those who stayed often learned to self-censor or to embed critiques in indirect forms (for instance, using metaphor and allegory in literature and film). Iran's rich traditions of poetry and cinema survived but were always under threat of being muzzled if they crossed the regime's ever-shifting redlines of blasphemy or immorality.

By the turn of the millennium, Iran had spent two decades under this comprehensive system of mandated virtue. On the surface, the Islamic Republic's efforts had remolded Iranian society in its image: Women were universally veiled in public, overt Western pop culture was largely banished, and Friday prayers and Qur'anic slogans were woven into state rituals. The authorities liked to tout Iran's religiosity—painting a picture of a nation united in pious purpose, unlike the "decadent" West.

Yet beneath that surface conformity, cracks were widening, as the next section will explore. The sheer scope of coercion was breeding its own opposite: a quiet but growing social rebellion against religious coercion. The regime could jail unveiled women, shut down underground bars, censor books, and hound apostates, but it could not, it turned out, truly command hearts to believe. In private life and in the recesses of individual conscience, many Iranians began to develop an allergic reaction to the very faith that was being imposed on them.

Losing Their Religion

By the time Ayatollah Khomeini died in 1989, the Islamic Republic had succeeded in imbuing virtually every aspect of Iranian public life with Islam—at least outwardly. Yet as a new generation grew up under the Islamic system, it became increasingly clear that coercive piety was generating an unintended backlash. Rather than igniting a broad spiritual revival, the state's heavy-handed *Islamification* coincided with a steady *de-Islamification* of Iranian society at the grass roots. Some still faithfully practiced Islam in their own sincere way, to be sure, but a growing number simply performed the motions demanded by the state while feeling little devotion—if not resentment—inside. Acts of public religious observance often felt perfunctory—people did what was required to avoid trouble, then went back to their personal affairs. Thus, attendance at prayers and mosque functions waned, especially among the young. Sociologists noted the rise of what they called "inner secularization."

This widespread indifference to religion in Iranian society surprised foreign visitors who expected to see displays of intense piety. One of them, the prominent sociologist Amitai Etzioni, traveled to Iran in the early 2000s "as a guest of a group of reformers" and observed the following:

> I had heard fewer calls to prayer in Tehran than in any other Muslim city I had visited. During set prayer times, several of the mosques were nearly empty, and some were being converted for other uses. Indeed, one of the mosques in Tehran is now used as a political party's election headquarters. My Iranian colleagues explained, and the rituals demonstrated, that the overwhelming majority of young Iranians (two-thirds of the population is under age 30) neither fast during Ramadan nor pray at the five daily required times. . . . There is strong evidence that the power of religion over the people of Iran seems to be attenuating.[27]

Nicolas Pelham, a British journalist who traveled through Tehran in 2019—and was briefly detained for his reporting—was also astonished by the contrast between the regime's religious posturing and the reality on the ground. "Despite Iran's pious reputation," he wrote, "Tehran may well be the least religious capital in the Middle East. Clerics dominate the news headlines and play elders in soap operas, but I never saw them on the street except on billboards. Unlike most Muslim countries, the call to prayer is almost inaudible. . . . Alcohol is banned but home delivery is faster for wine than for pizza."[28] Pelham's vivid account captures a reality that had become increasingly obvious: After four decades of compulsory religion, Iranian society is, in many respects, less outwardly religious than it had been in the more relaxed 1970s.

This view is supported by surveys among Iranians. One major online survey in 2020 by the independent research group GAMAAN revealed a stark picture: Whereas over 90 percent of Iranians officially identified as Muslim, only around 40 percent in that confidential survey said they identified as such, while 47 percent of respondents said they had become nonreligious. Fewer than approximately one-third of respondents identified as Shia Muslims, with

the majority describing themselves as spiritual, agnostic, atheist, or followers of other faiths.[29]

One striking indicator of this quiet secularization is the dramatic change in how Iranians approach the hijab and other religious rules when they can evade enforcement. In the 2000s, it became common in cosmopolitan areas like north Tehran to see women pushing the boundaries of the dress code—brightly colored scarves thrown loosely over the back of the head, hair defiantly showing, or manteau (a type of overcoat) shortened to knee-length. In private gatherings, many women would remove their hijab entirely. Cafés and art galleries became informal sanctuaries where the mandatory veils would slip down to shoulders as soon as no police were in sight. The more daring simply walked down the street with heads bare, risking confrontation or arrest.

The disillusionment has not only manifested in apathy or quiet defiance—many Iranians have actively turned away from the state religion toward other beliefs. One of the most remarkable social trends of the past few decades has been the rise of conversions to Christianity and open atheism among Iranians, both at home and in the diaspora. Iran's underground Christian community has repeatedly been defined by missionary organizations as "one of the fastest-growing in the world."[30] A census in 2015 estimated there were about 100,000 Iranian Christian converts from a Muslim background by 2010.[31] Some newer estimates in 2020 suggest figures ranging from 300,000 to 500,000 converts.[32] These numbers are difficult to verify, given the secrecy of such conversions, but the trend is unmistakable. Many of these converts practice in "house churches"—small groups meeting in living rooms to pray and study the Bible in Persian.[33] Others have emigrated and openly joined churches abroad.

Similarly, avowed atheists and agnostics have multiplied among Iranians—both at home and in the diaspora. On Iranian social media, mostly operating from exile, groups of irreligious Iranians often discuss how they left the faith and share content from outspoken atheist intellectuals. Inside Iran, expressing atheism is risky, but it is privately common to hear educated Iranians say they *don't believe in any of it*—sometimes in bitter terms. The depth of anger that

some of these ex-Muslims feel toward religion—at least the version they have experienced—cannot be missed. The exiled feminist Azam Kamguian, for instance, writes how "in post-1979 Iran, Islam ruined the lives, dreams, hopes and aspirations of three consecutive generations."[34] The culprit was in fact not "Islam," but the Islamic Republic—yet in the eyes of too many Iranians, the two have become inseparably merged.

The waning of religious commitment became so palpable that even Iran's own top officials started to acknowledge it obliquely. President Hassan Rouhani, who, ironically, was one of the first revolutionaries to push for mandatory hijab, openly sparred with hard-liners on this issue during his presidency between 2013 and 2021. "You can't send people to heaven with a whip," a seasoned and pragmatic Rouhani said in 2016, objecting to "undercover morality police."[35] His remark resonated with many ordinary Iranians who felt the same way, but it also provoked criticism from the supreme leader, who had the final word.[36]

After four decades, the ethos of the younger generation could be summed up as this: *If religion is good, it must be chosen freely, not imposed.* This sentiment erupted dramatically in late 2022, when the death of 22-year-old Mahsa Amini at the hands of the morality police, after she was detained allegedly for an "improper" hijab, ignited the largest anti-regime protests since the revolution. The slogan of the protests—*Zan, Zendegi, Azadi* (Woman, Life, Freedom)—encapsulated a rejection of the compulsory hijab and, by extension, the entire system of compulsion. Women burned their headscarves in public bonfires; schoolgirls tore pictures of Khomeini out of their textbooks. In effect, the grandchildren of the revolution were voting with their feet—and their uncovered heads—against the rigid religiosity of their rulers.

From Coercion to *Tanfir*, to "Riddastan"

The Islamic Republic's leaders long denied that their policies were causing disaffection. But by the 2010s, even they had to admit that Iranian youth were less religious than their parents. Faced with surveys about mosque attendance and the rise of irreligion, hard-liners pointed to external problems—blaming

"Western cultural invasion" for corrupting the youth. The more astute observers, however, saw the writing on the wall: that the excess of state-imposed religion was driving Iranians, especially the young, away from religion.

Many Iranian intellectuals have made the point that the state had effectively "immunized" a generation against religion by despiritualizing it. When prayer and fasting are mandated and policed, they lose their spiritual meaning and can become hollow rituals or acts of quiet protest (e.g., deliberately eating during Ramadan as an act of defiance). Conversely, where religion is a matter of free choice, it must persuade and inspire—and thus may retain more genuine vitality.

This paradox has not been lost on all in Iran. Even some founding members of the revolution eventually recognized the crisis of faith in Iranian society. Abdolkarim Soroush, initially a celebrated intellectual of the revolution, became one of the regime's sharpest critics by the 1990s, lamenting that the Islamic Republic had betrayed Islam by marrying it to tyranny. In one of his writings, he voiced his regret as a prayer:

> O Lord, bear witness that I, who have spent a lifetime in pain for religion and teaching religion, renounce the tyranny of this regime with despotism as its religion. And if ever, through error or mistake, I have aided the oppressors, I seek Your pardon and forgiveness.[37]

Another prominent insider-turned-dissident was the late Grand Ayatollah Hussein Ali-Montazeri, who died in 2009, once a key architect of the revolution and Khomeini's designated successor. He became disillusioned after the 1988 mass executions of political prisoners, which he condemned as a "crime against humanity" and a betrayal of the regime's professed commitment to justice and the rule of law. By the 1990s, he had become a vocal critic of authoritarianism and a defender of civil liberties, political pluralism, and minority rights—positions that led to years of house arrest. His fatwa against religious coercion was particularly notable, as he referred to the Qur'anic maxim "No compulsion in religion" to reject both the criminalization of apostasy and other forms of compulsion within religion.[38]

In recent years, a number of Shia clerics in Qom—witnessing the loss of prestige for their vocation—have also begun to voice the opinion that the state's coercive approach was mistaken, arguing that the true Islamic tradition does not force itself on unwilling souls.[39]

Another notable religious dissident, Mohsen Kadivar, an Iranian cleric who studied jurisprudence and Islamic philosophy in Qom, the city of ayatollahs, also turned gradually critical of the regime. That led to his imprisonment in the infamous Evin Prison and eventually to his departure from Iran in 2007. In his writings, Kadivar argues that the enforcement of religious practices by state power violates the very essence of faith. Acts of piety, such as wearing the hijab, derive their moral worth from free and sincere commitment, not compulsion under threat of punishment. He further critiques the doctrine of *velayat-e faqih*, or guardianship of the jurist, asserting that political guardianship over adults is incompatible with the Qur'anic emphasis on individual responsibility before God.[40]

Sedigheh Vasmaghi, a female Islamic scholar and former Tehran City Council member, has similarly denounced the regime's mandatory hijab policy. In a widely circulated open letter in October 2022, Vasmaghi called on Iran's religious authorities to recognize that compulsory veiling lacks genuine Qur'anic support and has turned the hijab from a personal religious choice into a symbol of state oppression. She warns that coercion in matters of conscience not only delegitimizes religious teachings but also fosters resentment and hypocrisy.[41] Earlier senior figures, including the aforementioned Ayatollah Hussein-Ali Montazeri and Ayatollah Yusef Saanei, had voiced parallel concerns. Saanei repeatedly ruled that belief and practice must remain voluntary to retain religious meaning.[42]

In addition to these Shiite scholars, some Sunni authorities also have pointed out the failure of Iran's experiment with compulsion in religion. Among them is Shaykh Abdal Hakim Murad (formerly Timothy John Winter), the founder and dean of the Cambridge Muslim College and one of the most prominent Islamic scholars in the United Kingdom. He argues that modern-day Islam is

troubled by a problem created by militant or oppressive Muslim actors: *tanfir*, which means "repelling souls instead of attracting them."[43] It is caused mainly by turning Islam into an authoritarian ideology that threatens, shocks, and repels people—instead of winning hearts. The results of this ideologization include terrorist violence in the name of Islam, which has provoked a "wave of unbelief" in the Arab world, as well as "state coercion," which can be even worse:

> Where *tanfir* becomes most lethal to Muslim faith is in situations where it has become empowered. Here believers watch with dismay the ugliness of the state, and feel their faith draining away, because the angry and vengeful authorities have coercively self-identified with Islam.[44]

That is why, Shaykh Murad adds, the "Islamic Republic" is losing its religion: "Several decades after its revolution, Iran, where religion is imposed by the state, is becoming a Riddastan."[45] The latter term—derived from the word *riddah*, or apostasy, means "the Land of Apostasy." And this ironic outcome is not limited to Iran. "Every Muslim polity" in the modern world that turned the Sharia into a state-enforced law, Murad adds, "has created a totalitarian, ideological state which, by turning Islam into a Procrustean bed, in the longer term becomes a tragic Riddastan and a global energizer of *tanfir*."[46]

The Lesson from the Iranian Experiment

By looking at all this grand experiment, it is fair to say that in rejecting the ambitions of his younger student, Khomeini, the late Ayatollah Borujerdi was right: Creating an "Islamic Republic" to impose religion on society was not a good idea. It would be bad for many things, including the very purity, sincerity, and vitality of religion itself.

That is because the "Islamic" narrative of the authoritarian regime led many Iranians to perceive Islam as inauthentic—a cover for political repression and a tedious obligation to endure. As many Iranian thinkers over the years have warned, forcing people to show a devotion they do not have only taught them

how to lie. Living a double life became a survival skill in the Islamic Republic: One learned to nod piously in public and then to be oneself in private. Over time, that duality eroded respect for religion itself. To many, Islam became associated not with personal salvation or ethics, but with the stern face of the state—the morality enforcers, the judge handing down lashings, the boss enforcing dress codes.

To be fair, coercion in the name of Islam was not the only dictate Iran suffered in the 20th century. In 1936, Reza Shah—a modernizing autocrat—had done the opposite, by banning the wearing of the veil in an effort to "Westernize" Iranian society. Devout women were physically forced to unveil, sometimes by having their hijabs torn off by police in public.[47] The policy, known as *Kashf-e hijab* (Unveiling) was intended to "liberate" women from "backward" customs, but it backfired disastrously. Instead of embracing unveiling, many pious women withdrew from public spaces altogether rather than violate their religious beliefs. The clergy at the time—including a younger Ayatollah Khomeini—seethed at Reza Shah's coercion and gained popular sympathy as defenders of the faith. When Reza Shah's son, Mohammad Reza Shah Pahlavi, allowed women to veil again in the 1940s, many eagerly did so. In short, the early Pahlavi experiment showed that trying to eradicate a deeply held religious practice by force can strengthen the resolve of believers and sow resentment against the state.

The problem is that state coercion was revived again after the 1979 revolution, in the opposite direction: Now it was the Islamic regime compelling women to *wear* the veil—whether they believed in it or not. And like Reza Shah's folly, this coercion also produced resistance. If forced unveiling had galvanized religious traditionalists, forced veiling alienated the secular-minded and eventually even the moderately devout.

Ultimately, Iran's post-1979 experiment in theocratic rule underscored a universal truth: *Faith coerced is faith corrupted.* Social engineering of belief, whether by secular dictators or religious revolutionaries, not only fails but also harms the very ideals they venerate. The lesson is as relevant today as ever,

for Iran and beyond. A state can enforce outward compliance—it can make people *act* pious or *appear* secular, as the case may be—but it cannot manufacture conviction or erase identity by decree. Over the long run, ideas and beliefs thrive or wither in the hearts of people, where compulsion cannot easily reach. That is why genuine faith grows not from the coercion of law, but from the grace of personal conviction, which requires freedom.

So in the end, the Iranian people have come to learn through hard experience what perhaps they knew in their cultural memory all along: *La ikraha fi'd-din*, or "There is no compulsion in religion." Those who rely on compulsion to promote religion, as this bitter lesson has shown, only end up corroding it.

Notes

[1] John Locke, *A Letter Concerning Toleration* (J. Brook, 1796), p. 12

[2] "Ayatollah Boroujerdi Has Banned Drinking Pepsi," *Zelzeleh* newspaper, Archives of Bahá'í Persecution in Iran website, September 19, 1955.

[3] Sadeq Tabatabaei, *Khaterat-e Siyasi-Ejtema'i-ye Doktor Sadeq Tabatabai* [Sociopolitical Memoire of Sadeq Tabatabai], vol. 1 (Institute for Gathering and Publication of Imam Khomeini's Works, 2022), p. 27.

[4] Tabatabaei, *Khaterat-e Siyasi-Ejtema'i-ye*, p. 27.

[5] Mohsen Kadivar, "Ayatollah Khoei and Absolute Guardianship of the Jurist," Kadivar.com, July 22, 2016.

[6] Vali Nasr, *The Shia Revival: How Conflicts Within Islam Will Shape the Future* (W. W. Norton, 2006), p. 145.

[7] Sanam Vakil, "Iran: Decades of Female Anger Rocks the Regime," *The World Today*, December 2, 2022, updated April 23, 2024.

[8] Vakil, "Iran: Decades of Female Anger."

[9] Ehsan Mehrabi, "Iran's Discriminatory Laws Against Women: The Early Days," IranWire, December 6, 2018.

[10] Ayatollah Khomeini's speech for women in Qom, March 8, 1979, in *Sahifeh-ye Imam*, vol. 6 (Imam Khomeini Institute, 2006), p. 358.

[11] Maryam Ansari, "Hezb Tudeh: az etemad be nafs zanan ta chador zede amperialisty" [Tudeh Party: From Giving Women Self-Esteem to Anti-Imperialist Chador], BBC Persian, January 27, 2012.

[12] Human Rights Watch, "Discrimination Against Religious Minorities in Iran," February 1, 2005.

[13] Twelver Shi'ism, the largest branch of Shia Islam, includes a belief in 12 divinely ordained imams, starting with Imam Ali and ending with Imam Mahdi, the absent imam, who is expected to return toward the end of times.

[14] UN Committee on the Elimination of Racial Discrimination, "List of Themes to Be Taken Up in Connection with the Consideration of the Eighteenth and Nineteenth Periodic Reports of the Islamic Republic of Iran," CERD/C/IRN/CO/18-19, August 27, 2010.

[15] See Human Rights Watch, *The Boot on My Neck: Iranian Authorities' Crime of Persecution Against Baha'is in Iran* (Human Rights Watch, 2024).

[16] Amnesty International, "Iran: Fear of Torture and Other Ill-Treatment/Prisoner of Conscience: Ramtin Soodmand," September 12, 2008.

[17] "Haik Hovsepian, the Iranian Church Leader Killed for Speaking Out," articleeighteen.com, January 18, 2019.

[18] Joe Sterling, "In Iran, a Christian Pastor Faces Death Sentence," CNN, December 7, 2010.

[19] Jews and Christians are recognized by virtually all Islamic schools as "People of the Book," meaning monotheists with certain rights. Not all but many scholars have added Zoroastrians to the category due to their neutral mention in the Qur'an (in verse 22:17) and the fact that they have a scripture called the Avesta.

[20] For details, see *State of Coercion: The Situation of Sunni Muslims in Iran* (Iran Human Rights Documentation Center, 2022).

[21] "Iran's Sunnis Call for Equal Rights in Open Letter to President Rouhani," *Al-Monitor*, January 3, 2014.

[22] "Khomeini's Fatwa Ordering The 1988 Massacre In Iran's Prisons," Iran1988.org. In it, Khomeini says: "It is naive to show mercy to those who wage war on God. . . . Those who are making the decisions must not hesitate, nor show any doubt or be concerned with details. They must try to be 'most ferocious against infidels.'"

[23] Geoffrey Robertson, *The Massacre of Political Prisoners in Iran, 1988* (Abacus, 2012), Appendix.

[24] Hamidreza Aghababaeian et al., "The Methanol Poisoning Outbreaks in Iran 2018," *Alcohol and Alcoholism* 54, no. 2 (2019): 128–30.

[25] "Moonshine Republic: Survey Finds a Quarter of Iranians Drink Home-Made Alcohol," IranWire, October 22, 2021.

[26] Ervand Abrahamian, *Iran Between Two Revolutions* (Princeton University Press, 1982), pp. 520–25.

[27] Amitai Etzioni, "Flirting and Flag-Waving: The Revealing Study of Holidays and Rituals," *Chronicle of Higher Education*, December 13, 2002.

[28] Nicolas Pelham, "Trapped in Iran," *1843 Magazine/The Economist*, January 20, 2020.

[29] Pooyan Tamimi Arab and Ammar Maleki, "The Secular-Religious Divide in Iran: An Analysis of GAMAAN's Online Surveys," in *Nonbelievers, Apostates, and Atheists in the Muslim World*, ed. J. D. Eller and N. Khazaal (Routledge, 2024), p. 85.

[30] For an example, see Chelsea Rollman, "Resilient Servants: How Persecution Led to Radical Growth of the Iranian Church," Mission to the World, June 18, 2024.

[31] Duane Alexander Miller and Patrick Johnstone, "Believers in Christ from a Muslim Background: A Global Census," *Interdisciplinary Journal of Research on Religion* 11, Article 10 (2015).

[32] Landinfo, "Iran: Christian Converts and House Churches (1)—Prevalence and Conditions for Religious Practise," The Norwegian Country of Origin Information Centre, November 27, 2017.

[33] "Iran: The Reality for Christians," Open Doors International, May 2021.

[34] Azam Kamguian, *Godlessness: Freedom from Religion & Human Happiness* (WritersPrint, 2003), p. 35.

[35] Bozorgmehr Sharafedin, "Rouhani Clashes with Iranian Police over Undercover Hijab Agents," Reuters, April 20, 2016.

[36] In a public audience with the members of the Expert's Council, Ayatollah Ali Khamenei said: "It's a false and exaggerated statement to say this, because no one is forcing people to go to paradise. . . . [T]he road to paradise is open and we should encourage people to go to paradise. . . . [I]t's also incorrect to say there's no force in Islam as there are, in some cases, limits in the Sharia." "Statement of the Supreme Leader in Public Audience with Members of the Expert's Council," YJC News Agency, January 1, 2019.

[37] Abdolkarim Soroush, "Jashn Zaval Estebdad Dini" [Celebration of the Demise of Religious Tyranny], drsoroush.com, September 2009.

[39] His fatwa, which shocked some conservatives, reads as follows: "First, it is correct that in the glorious Qur'an, compulsion in the way of religion is warned against [with the phrase] 'No compulsion in religion,' but nowhere [the Qur'an] says an apostate is condemned to execution and must be killed. . . . [O]nly there is mention of such things in few hadiths. And secondly, there is no compulsion in religion because religion is based on faith and achieving faith is the result of reasoning and justification, and that is achieved, at times, without volition, and never through compulsion and coercion. . . . Those who in contemplation reach doubt and uncertainty in regard to principles or minutiae or those who reach other conclusions [than prescriptions of faith] are not considered apostates and should not be treated as such." Grand Ayatollah Montazeri, AMontazeri.com, "Answers to Questions," p. 533.

[40] "Ayatollah Alavi Borujerdi, "Many People Consider the Clerics to be the Cause and Founder of the Country's Problems; Should We Kill Each and Every One of Them?!," *Asriran News*, June 23, 2023.

[41] Mohsen Kadivar, *Religion and Government: An Analysis of Velayat-e Faqih*, trans. M. Ghazi (Syracuse University Press, 2017).

[42] Maryam Sinaiee, "Prominent Female Islamic Scholar Challenges Khamenei's Hijab Edict," Iran International, April 23, 2023.

[43] "An Overview to General Discourse of Ayatollah Sanei," 3Danet.ir, November 13, 2016.

[44] The term *tanfir* comes from a hadith where the Prophet reportedly tells Muslims: "Bring ease and not hardship, good tidings and not repulsion" (*Yassiru wa-la tu'assiru, bashshiru wa-la tunaffiru*). The latter word, *tunaffiru*, literally means make someone loathe something. A. H. Murad, *Travelling Home: Essay on Islam in Europe* (Quilliam Press, 2020), p. 126.

[45] Murad, *Travelling Home*, p. 129.

[46] Murad, *Travelling Home*, p. 129.

[47] Murad, *Travelling Home*, p. 130.

[48] "A Review of Hijab Policies and Legislation in Iran: Coercion, Fines, Detention and Lashes: Failed Policies Aimed at Controlling Women's Bodies," Femena.net, September 24, 2024.

CHAPTER 6

No Compulsion on Women
Gender Egalitarianism in Islam

Asma Afsaruddin

> *An interpretation of Islam that is in harmony with equality and democracy is an authentic expression of faith. It is not religion that binds women, but the selective dictates of those who wish them cloistered.*
>
> —Shirin Ebadi, Iranian Nobel laureate[1]

If one ventured back to the Arabian city of Mecca around the first half of the seventh century and wandered through its marketplace,[2] one may have encountered the city's first female market inspector (*muhtasib*) by the name of Samra' bint Nuhayk (or Nahik). An early biographical source describes her as walking through the markets of Mecca with a whip in hand making sure that public order was maintained, and that merchants observed just and fair market practices and did not deceive their customers.[3]

Some accounts describe Samra' as having been appointed by the Prophet Muhammad (peace be upon him) himself; others say she was appointed by Umar ibn al-Khattab (d. 644) during his term as the second of the four Rightly Guided Caliphs. Umar also appointed another prominent woman, Shifa' bint Abdullah, as the market inspector in Medina. From the accounts that have been preserved about her, Shifa' was clearly well-qualified for such a position: She was among the Companions (close associates of the Prophet) who had accepted Islam very early in the seventh century—a marker of moral excellence

in early Islamic society—and Umar is said to have frequently consulted her on account of her learning and knowledge of market practices.[4] By any token, the very fact that these two women were selected for such visible and important positions of public authority is noteworthy in itself.

Yet despite laudatory references to their prominent status in Islamic sources, Shifa' and Samra' have gradually been consigned over the centuries to the margins of official Islamic history and to relative obscurity—so much so that a majority of influential premodern male jurists from after the ninth century, like al-Mawardi (d. 1058), remarkably came to subscribe to the view that only men could accede to such positions of leadership, despite this historic evidence to the contrary.[5] A minority of dissenters, like the prominent Qur'an exegete, historian, and jurist al-Tabari (d. 923), did not see gender as a disqualification in such appointments, but over time such scholars eventually became outliers. This amnesia is perhaps not surprising, since the selection of Samra' and Shifa' as market inspectors in the seventh century mounts a serious challenge to the later gendered conceptualization of this and all other public positions of leadership in Muslim societies in the later period.

How then may we explain this sharp disjunction in juridical perspectives between the early formative period of Islam and the later period from the ninth century onward? To begin to answer this question, we need to turn first and foremost to the Qur'an, the central scripture of Islam, which has much to say about women.

Human Dignity and Gender Egalitarianism in the Qur'an

When it comes to discussions of women's status in Islamic thought and tradition, one of the much-referenced verses in the Qur'an is the 35th verse from the 33rd chapter, which states:

> Those who have surrendered to God among males and females; those who believe among males and females; those who are devout among males and females; those who are truthful among males and females;

> those who are patient among males and females; those who fear God among males and females; those who give in charity among males and females; those who fast among males and females; those who remember God often among males and females—God has prepared for them forgiveness and great reward.[6]

Muslim women readers and scriptural exegetes, particularly in the modern period, have embraced this passage as underscoring a fundamentally egalitarian ethos within the Qur'an that values women's and men's personal piety and deeds as completely equivalent and equally worthy of reward in the next world. Such exegetes insist that women's dignity as full human beings endowed with moral, spiritual, and worldly agency is, furthermore, a natural corollary of the Qur'an's strong emphasis on the intrinsic dignity (*karamah*) of "the children of Adam"—that is to say, of every human being without exception. The relevant verse in Qur'an states: "And We have certainly honored the children of Adam and carried them on land and sea and provided for them of the good things and clearly preferred them over much of what We have created" (17:70).

While all humans are ontologically equal—that is, equal by birth and in essence—and equally honorable before the Creator, the Qur'an recognizes differences among human beings only on the basis of personal piety and righteousness, called *taqwa* in Arabic (Qur'an 5:57, 5:88, 49:13, and others). This piety-based approach of the Qur'an worked to the advantage of women since their gender was not a factor in determining their value and standing as human beings. The Qur'an conferred on women—in tandem with men—specific socioeconomic and legal rights, some of which had not previously been granted to women in any society and were therefore revolutionary in their consequences. It is to this discussion that we turn next.

Muslim Women and Their Religious and Sociopolitical Rights

Samra's and Shifa's professional lives alluded to earlier would not have been possible if the early Islamic community had not been inclusive of women and,

imbued by the spirit of the Qur'an, recognized their right to participate in the social and political life of the community.

Women's presence in the public sphere in the first century of Islam is further dramatically underscored by the fact that Aisha, the Prophet's widow, assumed a prominent political role after her husband's death. She is notably remembered for having led a revolt against the fourth Rightly Guided Caliph Ali ibn Abi Talib in 656 CE for not having brought the assassins of his predecessor Uthman ibn Affan to justice. Aisha made a public speech in the mosque at Medina, rousing supporters to her side, and went off to the battlefield with her army. Thus began the "Battle of the Camel," which derived its name from Aisha's riding mount. In calling out what she clearly perceived as a miscarriage of justice, Aisha was exercising her civic and political right to "command the good and forbid wrongdoing," a moral imperative that is explicitly stated in the Qur'an:

> Male believers and female believers are the partners and allies of one another; they command the good and forbid wrong and they perform prayer, give the obligatory alms, and obey God and His messenger. They are those upon whom God has mercy; indeed God is Almighty, Wise. (9:71)

That verse is particularly noteworthy for unambiguously describing women and men as equal partners in their joint mission to promote what is good and noble in this world. This mission is predicated on the status they share in common as the moral stewards (*khulafa*; sing. *khalifa*) of this earth (Qur'an 6:165, 35:39, and others). Early primary Islamic sources provide us with valuable evidence that Muslim women were empowered by this Qur'anic message to become active participants in the creation of the nascent Muslim society in Medina. For example, the ninth-century biographer Muhammad Ibn Sa'd documents the numerous instances of women's public activities of a religious, intellectual, and humanitarian nature both during and after the time of the Prophet Muhammad.[7] Above all, these activities included transmission

of Qur'anic verses and the sayings of the Prophet, which are the two principal sources of Islamic law. The women Companions were also active in humanitarian, philanthropic, and civic activities—for example, they ran a makeshift hospital in the mosque at Medina, made charitable donations to help the poor and the sick, and tended to the wounded on the battlefield.[8]

Most importantly, the Qur'an gives women the right to inherit and hold property in their own names even after marriage (Qur'an 4:7–12), something that was unheard of in the vast majority of other religious and cultural traditions in the premodern period. For example, women in premodern Europe were subject to a legal principle known as coverture under which their property after marriage would automatically come under their husbands' control. "By marriage," coverture decreed, "the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs everything."[9] In Britain, this situation changed only in 1882, when the Married Women's Property Act was passed. In contrast to the laws of coverture, the Sharia—referring to Islamic law and ethics—recognized Muslim women as independent legal beings before and after marriage who were entitled to hold property and manage it as they saw fit. In general, women inherited half of what their male relatives did (with some exceptions). The legal rationale given for this disparity was that women are not legally liable for the financial maintenance of their families as the male heirs are. Because of this legal and economic requirement imposed on men alone, we cannot regard this ultimately pragmatic arrangement as prima facie evidence of a gendered discrimination in the apportionment of inheritance shares.

As a result of their legal agency, Muslim women often took advantage of Sharia courts to adjudicate for themselves, especially in the management of their properties. There are even cases of Jewish and Christian women, from the early centuries of Islam to the Ottoman period, petitioning Sharia courts, which often provided more equitable legal outcomes for them, especially in

divorce matters.[10] Muslim women or their financial representatives registered their properties in Sharia courts and sometimes sued to protect their property rights against predatory male relatives and business partners. Women also came to court to register their marriage contracts and to sue former spouses for nonpayment of divorce settlements and child support. As the renowned legal and economic historian Amira Sonbol has remarked:

> If premodern Shari'a courts illustrate anything, it is that the stereotypical image of Muslim women as secluded women living outside of the public sphere under the full control of male relatives is seriously challenged by the variety of activities that are included in litigation or contractual records.[11]

The documents generated during these legal transactions, which have been preserved in legal archives and studied by scholars in the recent past, firmly establish women's active and abundant presence in the public legal sphere.[12]

Wealthy Muslim women who had exclusive control of their property continued to play diverse social and philanthropic roles after the time of the Prophet throughout the premodern period. Many endowed charitable foundations and established institutions of higher learning, some of which still exist today. For example, the independently wealthy philanthropist Fatima al-Fihriyya (d. 880) established the Qarawiyyin Mosque in Fez, Morocco, which developed into al-Qarawiyyin University by the middle of the ninth century, and with which famous scholars like Ibn Khaldun were later associated. Al-Qarawiyyin is therefore the oldest university in the world, established two centuries before the University of Bologna in 1088, which is considered to be the oldest university in the West. After al-Qarawiyyin University, the more famous Al-Azhar University was established in Cairo around 969 by the Fatimid dynasty. Interestingly, the name Al-Azhar invokes the memory of another Fatima, Fatima al-Zahra (Fatima the Radiant), the beloved daughter of Muhammad.

The rise of these universities, called *madrasas* in Arabic, and the emphasis on scholarship had important consequences for women as well. Muslim

women soon established a strong presence within religious scholarship by the Mamluk period (1250–1517). Medieval historians document that during this period, women played outstanding roles as teachers and scholars whose contributions have been studied by modern scholars.[13] The Qur'an insists on the obligation to acquire knowledge for the believer, whether male or female, as does the hadith (sayings of the Prophet) literature. The right to study the Qur'an and hadith and learn about moral injunctions and the religious law remained a fundamental right for women, even as some of their social and legal rights became restricted during the late medieval period. Historical records show that girls and women, especially from the upper classes, studied alongside males in private homes and in more institutionalized settings, and some became prominent and beloved teachers. We know this important fact because male scholars gratefully included the names of their female teachers in the lists of renowned scholars of their day and attested to their extensive learning.[14]

Another important dimension of women's social activities was their role as economic actors in the premodern Islamic world. In addition to endowing foundations and charitable institutions, many wealthy and not-so-wealthy women ran businesses, often out of their homes. Women from less privileged backgrounds often had to work to support themselves and their families. Legal court records from the Ottoman period show us that women worked as nurses and midwives and sometimes performed manual labor, such as in stone quarries, for which they were compensated. Some women acted as tax farmers, and others headed women's guilds that represented crafts in which women worked in large numbers, such as weaving and spinning. There are also references to women who served as heads of guilds of physicians, weavers, and entertainers.[15]

With regard to political rights for women, they are usually assumed to have been born in the modern period as a consequence of the rise of the modern nation-state. Prominent among such rights is the right to vote, the clearest indicator of modern participatory citizenship. Notably, there was an Islamic precedent for these modern developments: When the Muslim community, or *ummah*, was established in Medina by the Prophet Muhammad in 622,

the early converts to Islam had to pledge personal allegiance to the Prophet, thus signaling their formal entry into the Muslim polity. This pledge, known in Arabic as *bay'ah*, was required equally of men and women. The terms of the oath were similar for both, except that the women were not obliged to militarily defend the community. Many modern Muslims today see in the bay'ah an early precursor of the modern electoral vote—a means by which their ancestors could register their approval or disapproval of their leaders—and a concrete affirmation of the political enfranchisement of Muslim women from the very beginning of Islamic history.[16]

As our discussion has shown, nothing in Islamic foundational sources disallows women's participation in the public sphere and in socioeconomic and scholarly activities. If anything, the early record shows that Islamic principles of egalitarianism and high regard for learning and social engagement empowered women in both the private and public spheres.

Modern Regressions

If we skip ahead to the modern, postcolonial period, we may wonder at the dissonance between these historical facts concerning Muslim women in the formative period of Islam and 21st-century news reports about the renewed oppression of Muslim women in Afghanistan under the current Taliban regime, which claims to rule in the name of Islam. We also see the case of women in Saudi Arabia, who until recently were not allowed to drive, who usually cannot travel freely without a male relative, and who—although they can earn postgraduate degrees—find their employment opportunities severely limited. Admittedly, these two examples give us pause, but Afghanistan and Saudi Arabia remain exceptional in their implementation of eccentric, repressive rules concerning the public conduct of women and therefore represent extreme cases that are rightly regarded by most Muslims as atypical of Islamic societies. In other Muslim-majority countries, women can more easily aspire to get college degrees and hold jobs; they drive freely and some veil out of choice rather than coercion. However, most women in these countries lag behind men

in education and earning potential and cannot always attain top managerial or leadership positions (as remains true for most other countries on this planet). True, Muslim-majority countries have produced several female presidents and prime ministers in the modern period (unlike the United States to date), but with regard to widespread, concrete economic and civic rights, women on the whole still lag behind men considerably if we compare them within the same educational and socioeconomic categories.

One may then logically ask the question: when the foundational sources of Islam—the Qur'an and Sunna (referring to the practices and customs of the Prophet)—assert a woman's ontological and moral equality to men, why has that not resulted in consistently gender-egalitarian Muslim-majority societies?

The question is straightforward but the answer is complex, as we need to account for this disjunction between normative prescriptions contained in the Qur'an in particular and the interpretations of these normative prescriptions by premodern male jurists that have contributed to the reality on the ground today.

First, there were outside cultural influences that historically were harmful for women. Starting sometime after the ninth century—more than two centuries after the Qur'an and the Prophet—women's position began to change slowly, and not for the better. The religious, social, and legal rights that the Qur'an and the Sunna had given to women began to be slowly whittled away as the nature of Islamic society itself began to change.[17] By the 10th century, cultures of the Hellenist and Persian worlds began to strongly influence Islamic societies. Both Hellenist and Persian societies enforced social divisions among people on the basis of lineage, occupation, and gender.[18] Such a hierarchical system inevitably leads to patriarchy—a social system based (literally) on the "rule of the father," which relegates women to the margins of society.

Second, practically without exception, sacred texts like the Qur'an and the Bible have primarily been interpreted by men through the centuries. In the early period of Islam, there were women interpreters, foremost among

whom was, not unexpectedly, Aisha. She had disciples of her own and her interpretations, as transmitted by her disciples, have been preserved for us in various commentaries. Unfortunately, if other prolific female commentators on the Qur'an existed from the early period, their names have not become part of the official record. Because of this historical amnesia, masculine perspectives became privileged in the field of Qur'anic interpretation since only the commentaries of male exegetes survive.

As a consequence, masculinist or male-centered interpretations left their imprint on the understanding of a number of Qur'anic verses that have been used to assert the husband's special prerogatives within marriage. For example, polygamous unions with up to four women were understood to be generally allowed in the Qur'an for men on the basis of a particular verse:

> If you fear that you cannot act equitably towards orphans, then marry such women as are seemly to you, two and three and four; but if you fear that you will not do justice, then only one or what your right hands possess; this is proper, so that you may not stray from the right path. (4:3)

Those who look favorably on polygamy read this verse as allowing multiple wives up to four, provided that a man can treat all his wives equally on all levels—economically, socially, and emotionally. Those who are not inclined to accept this practice read that verse as allowing polygamy only as a concession during special circumstances, such as war, when the death of a large number of men can leave many women and children in dire financial circumstances. The verse does specifically refer to women with children with no male provider—and it is helpful to remember that we are talking about a historical period when a woman, if not independently wealthy, was inevitably dependent on a man to financially provide for her and her children.

Muslim modernists and feminists criticizing polygamy as a regular, rather than a highly exceptional practice, point to another Qur'anic verse that states, "You are never able to deal fairly among women, even if it is your ardent

desire" (4:129). These interpreters argue that when these two verses are read together, the meaning that emerges is that no man is humanly capable of treating more than one woman fairly, and thus these commentators contend that the Qur'an effectively considers polygamous unions beyond the realm of possibility, as far as normal, everyday circumstances are concerned.[19]

As a result of these cultural influences and masculinist interpretations, the system of patriarchy became deeply entrenched in the Muslim world, as also happened in many other parts of the world. Patriarchy has three key features: (a) women are subordinated simply on the basis of their gender; (b) what are deemed to be masculine values and traits are considered to be more desirable and intrinsically superior; and (c) societies' structures are designed so as to maintain male privilege. These positions are, or should be, problematic for Muslims because they undermine basic, core principles in the Qur'an about the equality of the sexes, as adumbrated in Qur'an 33:35 and 9:71, which we have already discussed. Two more verses may be cited here to bolster this viewpoint.

The first is Qur'an 4:1, which states: "O humankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them the two has spread abroad a multitude of men and women." The second is Qur'an 2:187, which states, "[Wives] are your garments and you [husbands] are their garments."

Qur'an 4:1 is particularly notable for mentioning the creation of the first human being from a single ungendered soul, *nafs wahidah*, from which its mate was then created. Simultaneous creation from a single soul that is ungendered, as described in this verse, negates the possibility of the male being granted an ontologically superior status by virtue of having been created first, from whose body the woman's is then derived. Since neither the gender of the first human nor of its mate is mentioned, no gender hierarchy is implied in the creation of the sexes. This is a point strenuously emphasized by contemporary Muslim feminists to draw attention to the unambiguous ontological equality of women and men in the Qur'an.[20]

As for Qur'an 2:187, "garments" mentioned in this verse serves as a metaphor for mutual comfort and joy and the equal rights shared by wives and husbands in the marital relationship. Neither of these verses suggests a superior status for the male vis-à-vis the female and for the husband versus the wife—a sine qua non for patriarchy.

However, with the rise of patriarchal societies from the ninth century onward, many of the progressive and liberatory teachings of early Islam concerning women began to be compromised—never completely eradicated but definitely compromised, as will become evident in the next section.

Reading Hierarchy and Patriarchy into the Qur'an

The patriarchal trend that became dominant after roughly the first three centuries of Islam (corresponding to the seventh through ninth centuries of the Common Era) had serious adverse consequences for the legal status of women in the premodern Islamic world. The move toward patriarchy undermined specific rights that the Qur'an had conferred on women, including within marriage and the family. Marriage is conceived as a partnership, as clearly indicated in Qur'an 2:187, one that should be infused with love, mercy, and tranquility (30:21). The Qur'an inveighs against women being coerced into marriage (4:19) (more on this later), warns husbands against mistreating their wives during divorce proceedings (2:231), protects women from slander against them (24:2), and mandates punishment against those who resort to such slander (24:4). Wives may lodge public complaints against a negligent or abusive husband and have the right to expect that the community or legal system will address their concerns (Qur'an 58:1–4).

It is also highly significant that in the cluster of verses in Qur'an 24:6–10 (sometimes referred to as verses of *li'an*, or "mutual imprecation"), when a husband resorts to accusing his wife of adultery and he has no witnesses, the wife's assertion of her innocence based on her own testimony overrides the husband's accusation. In other words, she has the last word and no further action can be taken against her (although the marriage is assumed to have irreparably

broken down). This cluster of verses challenges the influential juridical interpretation of another verse, Qur'an 2:282, which has been used to make the argument that the value of a woman's legal testimony is half of a man's in general. Yet that argument ignores the verse's larger context, which indicates that it is referring narrowly to a loan transaction, a field in which women in the seventh century may have had limited experience. Qur'an 24:6–10 and the historical evidence that we have for women's transmission of hadiths on their own authority belie this interpretation.[21]

With regard to reproductive rights and health, women had access to abortion in the first trimester of pregnancy under the Sharia, especially if her health was in danger (a right that has come under increasing attack in the contemporary United States). Contraception is also allowed under Islamic law and widely available in Muslim-majority countries.[22] The Qur'an condemns the patriarchal worldview in which daughters are valued less than sons; this is made very clear in Qur'an 81:8, which condemns the practice of female infanticide in the pre-Islamic period. In another chapter, the Qur'an describes and condemns the same misogynist culture in which the birth of a baby girl was seen as a calamity:

> When one of them is given tidings of the birth of a baby girl, his face darkens and he is filled with rage. He hides himself from his people because of the bad news he has received. Should he keep her and face disgrace or bury her in the dust? How evil is their judgment! (16:58-59)

The Islamic tradition also recognizes the special gifts that women are endowed with as compassionate caregivers and nurturers within the family. A famous saying of the Prophet places the position of the mother far higher than the father with regard to the respect and love she is entitled to from her family. One much-cited saying of the Prophet glowingly asserts that paradise lies beneath the feet of mothers.[23]

Regardless of these women-affirming Qur'anic verses and hadith, most exegetes and jurists from after the eighth century read into the Qur'an a

patriarchal familial paradigm. They continued to recognize Muslim women's independent control of their wealth and property and their right to acquire a religious education—for which women could resort to litigation if denied to them.[24] But within marriage, these same jurists emphasized a woman's near-total subjugation to her husband in practically all matters concerning the family. Some of their rulings were based on cultural norms and local custom, whereas others were based on interpretation of two key Qur'anic verses that deal with women's consent in marital and sexual matters, as we will now see.

"Marriage by Compulsion"

The Arabic word for compulsion, *ikrah*, which is used in the famous Qur'anic verse "There is no compulsion in religion" (2:256) also appears in various other Qur'anic verses in different derivative forms. Two of these verses directly and severely chide men who compel women to act against their will.

Both verses reflect the seventh-century Arabian context in which the Qur'an legislated in order to end some reprehensible pre-Islamic customs that militated against women's rights and freedoms. The first one, 4:19, reads, "You who believe, *it is not lawful for you to inherit women by compulsion*, nor should you treat your wives harshly, hoping to take back some of the bride-gift you gave them . . ." (emphasis added). The first part of the verse refers to an ancient custom in pre-Islamic Arabia where a woman would be "inherited" by the male relatives of her deceased husband. These men could marry the widow off to a man from within or outside their circle; the woman, being treated as property, had no say in the matter. But the Qur'an banned the practice, clearly establishing that "women are subjects, and not objects."[25]

The other verse, 24:33, which refers to another appalling pre-Islamic Arab custom, commands: "Do not force your slave-girls into prostitution, when they themselves wish to remain honorable . . . ." As many exegetes remarked, this verse specifically targeted a prominent "hypocrite" in Medina, Abdullah ibn Ubayy, who not only owned two female slaves but also made them work for him as prostitutes.[26] The Qur'an categorically banned this form of coercion, and added that God would forgive its female victims.

Unfortunately, despite these Qur'anic protections for women against acts of compulsion of this sort, many traditional Muslim jurists gave the *wali*, or "male guardian," of a female the right to marry her off through *ijbar*, which is another word for compulsion. Some jurists, especially from the Hanafi school of law, limited this "coercive guardianship" (*al-wilayat al-ijbariyya*) to minors, whereas others, especially from the Maliki school, extended it to all wards. Thus, a father could marry off his daughter, at any age, to anyone he chooses, without her consent.[27]

Notably, this legal view—which is still used to justify enforced marriages in certain parts of the Muslim-majority world today—has no basis in the Qur'an or the Sunna (practices) of the Prophet. Instead, it was based on pre-Islamic practices and local custom (*'urf*), which became a source of legislation for the classical jurists.[28]

Men, Women, and *Nushuz*

Besides incorporating customary practices, premodern Muslim jurists also grounded patriarchy in their interpretation of primarily two Qur'anic verses that contain key terms that have shaped the juridical discourse on the Islamic family: Qur'an 4:34 and Qur'an 2:228.

The first verse states:

> Men are the economic providers[29] for women because God has preferred some of them over others and because of what they spend of their wealth. Virtuous women are *qanitat*, guarding the unseen with what God has guarded. As for those whose *nushuz* may be feared, counsel them, leave them alone in their beds, and lightly tap them (*wadribuhunna*). And if they obey you, then do not seek a way against them; indeed God is majestic and great. (4:34)

The first two italicized Arabic terms are deliberately left untranslated since their meanings are highly contested and open to interpretation, whereas the translation of the third Arabic term—also contested—will be explained.

These terms were deployed by classical male jurists to construct a patriarchal familial and social order. A quick, diachronic survey of the views of

some of the most prominent male exegetes since the eighth century yields the following results. Early exegetes, like Muqatil ibn Sulayman (d. 767) and al-Tabari (d. 923), understood verse 4:34 to be applicable exclusively in the domestic context, so that the husband enjoys his "preferential" status by virtue of his role as economic provider. Both understood the term *qanitat* to refer to women who are obedient to God *and* their husbands, while *nushuz* is interpreted by Muqatil as a general wifely disobedience to the husband, and by al-Tabari as the expression of a haughty repugnance by the wife toward her husband. By the time we get to the late 12th century, it is evident that male exegetes, like the prominent scholar Fakhr al-Din al-Razi (d. 1210), had made up their minds that a generic male superiority over women is to be assumed on the basis of this verse rather than a more limited, functional one restricted to the domestic sphere.[30]

With regard to the term *nushuz* in Qur'an 4:34, the overwhelming majority of classical male exegetes in the later period understood it to refer to a woman's general "disobedience" to her husband. The earlier ninth-century exegete and jurist al-Tabari, however, posits a nongendered understanding of the term by pointing out that the Qur'an also refers to the nushuz of husbands in Qur'an 4:128. Thus, nushuz applies equally to the husband and wife and was a basic reference to the desire of either party to separate from the other and a failure to honor their marital commitments to one another.[31] However, by focusing primarily on the nushuz of women, and coupling it with the term *qanitat*, Qur'an commentators and jurists from after the time of al-Tabari were able to reinforce the notion of women's unquestioning obedience to their husbands as a religious requirement that became reflected in legal rulings within *fiqh* (Islamic jurisprudence).

Interestingly (and conveniently), these male scholars ignored the example set by the pious but *disobedient* wife of the pharaoh of Egypt (called Asiya in the exegetical literature), who famously defied her tyrannical husband, as mentioned in Qur'an 66:11. This act of defiance is glorified in the Qur'an as an act of righteous resistance to evil and injustice to be emulated by all. Praise for such wifely disobedience would be unthinkable within a patriarchy that is predicated on the unqualified domination of men over women—that is to say, regardless of

men's personal attributes or adherence to norms of justice. The Qur'an's affirmation of the independent moral and legal agency of women—which can be exercised against an unjust husband, ruler, or any other male authority figure—should be read as striking a mortal blow against patriarchal regimes.

And finally, one must comment on the controversial imperative *wadribuhunna* in Qur'an 4:34, which I am translating as "tap them lightly." Almost all English translations render this Arabic imperative as "strike them" or even more alarmingly as "scourge them." Nothing could be more distorting of the original Arabic verb *daraba*, which can mean not only to beat but also to pat gently, or as in my preferred translation, tap lightly. The overall gestalt of the Qur'an militates against any kind of a physical injury or violent gesture to be directed at women (or any other vulnerable group), whatever the provocation might be. Accordingly, the overwhelming majority of male jurists emphasized that a husband may never physically harm his wife; at most he could lightly tap her (with a toothpick as is sometimes described) to remind her to fulfill her marital obligations. Despite accepting the patriarchal foundations of the family, Muslim scholars were in broad agreement that a husband's physical abuse of his wife was legally and morally unacceptable, and that he should face legal sanction for it.[32] The prominent hadith scholar Abd Allah al-Darimi (d. 869), for example, was adamant that striking women was completely forbidden and hadiths that permitted it were to be regarded as fabrications.[33]

Men, Women, and *Darajah*

Qur'an 2:228 states the following:

> Divorced women remain in waiting for three periods, and it is not lawful for them to conceal what God has created in their wombs if they believe in God and the Last Day. And their husbands have the right to take them back in this [period] if they want reconciliation. And the rights due to the women [by the husbands] are similar to the obligations they owe [their husbands] concerning what is good and equitable and the men have a "degree" (*darajah*) above them. And God is Exalted in Might and Wise.

This is another verse popular with those who wish to promote a patriarchal family within Islam. Even though the verse explicitly articulates a reciprocal concept of marital rights and duties between wives and husbands, most Muslim scholars became fixated on the Arabic term *darajah*, which they have interpreted in this verse to refer to a man's "degree" over a woman, implying, according to them, a fundamental superiority of men over women.

This reading cannot be supported if one resorts to a cross-referential reading of Qur'anic verses that contain the term darajah, which may be translated as rank, degree, or edge/advantage. There are 18 verses that contain either the singular darajah or its plural *darajat*; none of them link the term to gender or imply that those who possess darajah of some kind enjoy absolute superiority over any other human being. In fact, one verse (Qur'an 46:19) explicitly states, "Everyone has a rank/degree" (*li-kullin darajah*). This broader perspective is helpful for better appreciating the contextualized meaning of darajah in Qur'an 2:228. The relevant part of this verse asserts that wives (since the context is clearly domestic) have rights and duties vis-à-vis their husbands that are equal to the rights and duties of husbands toward their wives. Husbands, however, have an edge or advantage (darajah) over their wives in that they are able to earn money and provide financial maintenance for their families. This "edge" is therefore purely functional and monetary in nature, and gendered only to the extent that in the premodern world, men were the principal breadwinners.[34]

The Way Forward: Restoring Muslim Women's Freedom and Equality

Understanding the Qur'an on its own terms through a comprehensive and holistic reading of it—instead of through the prism of commentaries generated by premodern male exegetes that were heavily inflected by cultural and atavistic gender biases of their time—is the way forward in Muslim-majority societies for restoring to Muslim women the freedom and equality that are part of their birthright. This is evidenced by the modern movement known as "Islamic feminism," which relies on scriptural hermeneutics to challenge

interpretations of the Sharia that have led to discrimination against women and the abrogation of many of their social and legal rights in Muslim-majority societies. For Muslim women gender scholars and activists, being a feminist within these parameters means being true to the highest religious and social ideals of Islam that lead to the promotion of the human rights of women in particular.[35] Privileging legal and exegetical texts over the Qur'anic text has led to a near-total eclipse of the latter's gender egalitarian thrust and contributed to the deep entrenchment of patriarchal regimes in Muslim-majority societies over time. Muslim reformist scholars and practitioners today—women and men—are questioning the normative status of such regimes and instead are promoting gender equality on the basis of the Qur'an and reliable hadiths that contribute to a gender egalitarian ethos.

The campaign is multipronged and waged in different spheres—in the academy, the family, the workplace, the government, and every other related private and public space. Besides academics like Asma Barlas and amina wadud who have written highly influential works on unreading patriarchal understandings of the Qur'an, Muslim women activists and organizations in a number of Muslim-majority societies are also promoting social change by challenging classical masculinist legal pronouncements on the status and roles of women. Among them is the Malaysian group Musawah, which in Arabic means "equality." It is led by the redoubtable Zainah Anwar, who initially founded Sisters in Islam, a nongovernmental organization dedicated to Muslim women's rights that eventually evolved into Musawah with a global reach. In Morocco, Asma Lamrabet, a physician and feminist, leads the charge against discriminatory laws against women and calls for "an emancipatory reading" of the Qur'an.[36] And Shirin Ebadi, the indefatigable Iranian advocate for human rights quoted at the beginning of this chapter, has made similar arguments to press for Muslim women's full enfranchisement in the contemporary period.

Such tireless advocates for Muslim women's rights—and there are many others—argue from within the Islamic tradition against the banality of gendered discrimination instituted by human beings and campaign for the

full recovery of women's scripturally mandated moral and legal agency and freedom.[37] The gains may still be modest so far, but there is no denying the cogency of their arguments, allowing us to confidently predict that history is on their side.

Notes

[1] Shirin Ebadi, *Iran Awakening* (Random House, 2007), p. 204.

[2] All dates given here are Common Era/Gregorian dates, unless specifically indicated otherwise.

[3] Ibn 'Abd al-Barr, *Al-Isti'ab fi ma'rifat al-ashab*, vol. 4 (Dar al-Kutub al-Ilmiyya, 1995), p. 419.

[4] Ibn Hajar, *Tahdhib al-tahdhib*, vol. 6 (Dar al-Ma'rifa, 1996), p. 547.

[5] Al-Mawardi, *The Ordinances of Government*, trans. Wafaa H. Wahba (Garnet Publishing, 1996).

[6] Translations of the Qur'an are mine, although I have freely consulted published translations.

[7] Muhammad Ibn Sa'd, *Al-Tabaqat al-kubra*., ed. Muhammad 'Abd al-Qadir 'Ata, vol. 8 (Dar al-Kutub al-Ilmiyya, 1997).

[8] See Asma Afsaruddin, "Early Women Exemplars and the Construction of Gendered Space: (Re-)Defining Feminine Moral Excellence," in *Harem Histories: Envisioning Places and Living Spaces*, ed. Marilyn Booth (Duke University Press, 2010), pp. 23–48.

[9] William Blackstone, *Commentaries on the Laws of England*, bk. 1, chap. 15, "Of Husband and Wife" (Oxford, 1765–1769), p. 430.

[10] See Svetlana Ivanova, "Muslim and Christian Women Before the Kadi Court in Eighteenth Century Rumeli: Marriage Problems," *Oriente Moderno* 18 (79), no. 1 (1999): 161–76; and Yaron Ben-Naeh, "Jews at the Court of the Kadi," in *Early Modern Workshop: Jewish History Resources*, vol. 5, *Law: Continuity and Change in the Early Modern Period* (Yeshiva University, 2008), p. 160. Interestingly, this practice has been revived to a limited extent among contemporary Egyptian Coptic Christian women, some of whom have applied to Sharia courts in recent times for a *khul'* divorce (woman-initiated divorce to which Muslim women have recourse for dissolving their marriages), a practice not allowed under Christian law. See Mariz

Tadros, "The Non-Muslim 'Other': Gender and Contestations of Hierarchy of Rights," *Hawwa'* 7, no. 2 (2009): 120–22.

[11] Amira Sonbol, "Women in Shari'a Courts: A Historical and Methodological Discussion," *Kelâm Araştırmaları* 2, no. 2 (2004): 51.

[12] Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (University of California Press, 2003). One may speculate that once these economic and legal rights enjoyed by Muslim women under the Sharia became known in England during the British colonial occupation of some Muslim-majority societies starting in the 19th century, it eventually created a movement in Britain for the similar enfranchisement of women under English common law.

[13] Asma Sayeed, *Women and the Transmission of Religious Knowledge in Islam* (Cambridge University Press, 2013).

[14] Asma Afsaruddin, "Knowledge, Piety, and Religious Leadership in the Late Middle Ages: Reinstating Women in the Master Narrative," in *Knowledge and Education in Classical Islam*, ed. Sebastian Guenther (Brill, 2020), pp. 941–59.

[15] Amira Sonbol, "Women as Economic Actors in the Premodern Islamic World," in *Oxford Handbook of Islam and Women*, ed. Asma Afsaruddin (Oxford University Press, 2013), pp. 304–19.

[16] Barbara Stowasser, "The Women's *Bay'a* in Qur'ān and *Sira*," *Muslim World* 99, no. 1 (2009): 86–101; and Asma Afsaruddin, *The First Muslims: History and Memory* (Oneworld, 2008), pp. 170–71.

[17] Leila Ahmed, *Women and Gender in Early Islam: Historical Roots of a Modern Debate* (Yale University Press, 1993).

[18] See Louise Marlow, *Hierarchy and Egalitarianism in Islam* (Cambridge University Press, 1997).

[19] Amina Wadud, *Qur'an and Woman: Rereading the Sacred Text from a Woman's Perspective* (Oxford University Press, 1999), pp. 82–84.

[20] See, for example, Asma Barlas, *Believing Women in Islam: Unreading Patriarchal Interpretations of the Qur'an* (University of Texas Press, 2019).

[21] Not all jurists subscribed to the view that a woman's legal testimony was worth half of a man's. In fact, two of the most prominent premodern jurists, Ibn Taymiyya (d. 1328) and his student Ibn Qayyim al-Jawziyya (d. 1350) (both of whom are highly regarded in conservative circles today), came close to articulating the equally valid testimony of women compared with men. This is discussed in Mohammad Fadel,

"Two Women, One Man: Knowledge, Power and Gender in Medieval Sunni Legal Thought," *International Journal of Middle East Studies* 29, no. 2 (1997): 185–204.

[22] Basim F. Musallam, *Sex and Society in Islam: Birth Control Before the Nineteenth Century* (Cambridge University Press, 1986).

[23] *Sunan al-Nasa'i*, bk. 25, Hadith 3106.

[24] Thus the 14th-century jurist Ibn al-Ḥajj al-'Abdari (d. 1336) expressed the opinion that if a husband were to forbid his wife from acquiring a religious education, she had the right to seek legal redress against him in order to carry out this essential duty; see his legal work *Madkhal al-Shar' al-Sharif*, vol. 2 (Maṭba'a al-Misriyya bi-l-Azhar, 1929), p. 219.

[25] Seyyed Hossein Nasr, ed. *The Study Quran: A New Translation and Commentary* (HarperOne, 2015), p. 197.

[26] Nasr, *The Study Quran*, p. 877.

[27] See Muhammad Khalid Masud, "The Sources of the Maliki Doctrine of Ijbar," *Islamic Studies* 24, no. 2 (1985): 215–53.

[28] In the words of Professor Masud, who has offered a detailed examination of the matter: "The doctrine of guardianship does not originate in the formal sources of the Islamic law. Its origin lies in the customs." No wonder, as he adds, "it has been criticized very bitterly" by other jurists, including Ibn Shabrumah (d. 761) and Abu Bakr al-Asamm (d. ca. 816), both judges during the early Abbasid period; by Ibn Hazm, the Zahiri jurist (d. 1064); and Ibn Rushd (Averroes) (d. 1198), the Andalusian Maliki jurist and eminent philosopher. Others, like the Hanbali jurist Ibn Qayyim al-Jawziyya (d. 1350) and the modern Indian Muslim reformer Shah Waliullah Dehlawi (d. 1762), have also challenged the doctrine of *ijbar*; see Masud's article "The Sources of the Maliki Doctrine of Ijbar," *Islamic Studies* 24 (1985): 230, 242–43.

[29] This is my preferred translation of the Arabic term *qawwamun*, which as the context indicates, has to do with the traditional role of men as breadwinners.

[30] For a fuller discussion of Qur'an 4:34, see Asma Afsaruddin, "Modern Rereadings of the Qur'an Through a Gendered Lens," in *The Oxford Handbook of Islam and Women*, ed. Asma Afsaruddin (Oxford University Press, 2023), pp. 82–85.

[31] Al-Tabari, *Tafsir*, vol. 4 (Dar al-Kutub al-Ilmiyyah, 1997), p. 304 ff.

[32] See further, Mariam Sheibani, "Marriage, Divorce and Inheritance in Classical Islamic Law and Pre-Modern Practice," in *The Oxford Handbook of Islam and Women*, ed. Asma Afsaruddin (Oxford University Press, 2023), pp.161–62.

[33] Jonathan Brown, *Misquoting Muhammad: The Challenges and Choices of Interpreting the Prophet's Legacy* (Oneworld, 2014), pp. 275–76.

[34] See further Afsaruddin, "Modern Rereadings," pp. 101–2.

[35] For comprehensive coverage of this topic, see Margot Badran, *Feminism in Islam: Secular and Religious Convergences* (Oneworld, 2009).

[36] Asma Lamrabet, *Women in the Qur'an: An Emancipatory Reading*, trans. Myriam François-Cerrah (Kube Publishing, 2015).

[37] See accounts of a number of these scholars and activists in a broad swath of the Muslim-majority world in Afsaruddin, *Oxford Handbook of Islam and Women*, pp. 367–519.

CHAPTER 7

Separating the Sharia and the State

A Conversation with Abdullahi Ahmed An-Naim

In earlier chapters of this book, we have examined various implications of the Qur'anic maxim "No compulsion in religion"—with regard to belief, practice, rights, and expression. Ultimately, this exploration leads us to consider the relationship between religion and the predominant coercive power: the state. What type of state is ideal, we should ask, for avoiding compulsion in religion and securing religious freedom?

In Islam, this question is particularly tied to the Sharia, the religious law, based on the divine commandments contained in the Qur'an and the Sunna. Religiously, Muslims are obliged to follow these commandments; but should an "Islamic state" also obligate them? Or should the state, and its coercive laws, be separated from the Sharia? And if they are separated, where should the state's laws come from?

Dr. Abdullahi Ahmed An-Naim is a prominent Islamic scholar who offered a groundbreaking theory on this question with his 2008 book, *Islam and the Secular State: Negotiating the Future of Shari'a*.[1] He argued that a secular state, which is "neutral regarding religious doctrine," offers the best medium for Muslims to live by the Sharia. "Compliance with the Sharia cannot be coerced by fear of state institutions," he argued, stressing that the religious law should

be "observed voluntarily."[2] This perspective was quite unconventional for both Muslims and non-Muslims who can imagine the Sharia only as a state law. Yet it remains a compelling and promising view, which we explore in this interview. The interview has been edited and annotated for style and clarity.

Mustafa Akyol: Dr. An-Naim, as you often note in public lectures that since your student days at the University of Khartoum in the 1960s through the 1990s, you believed that the state could implement a progressive interpretation of the Sharia without adverse effects. You later changed your view. Was this shift influenced by your experiences in Sudan, particularly after President Gaafar Nimeiry declared it an "Islamic state" in 1983 and targeted the reformist movement that you followed, the Republican Brothers, led by the prominent religious thinker Mahmoud Mohamed Taha?

Abdullahi Ahmed An-Naim: It is more accurate to say that I was focused on what my *ustadh*, or "teacher," Mahmoud Mohamed Taha calls, "the evolution of Sharia," which I also discussed in my book *Toward an Islamic Reformation*.[3] During that phase, I had assumed that the evolution of the Sharia would resolve problems relating to constitutionalism, civil liberties, human rights, and international law. Experience with the September 1983 enactment of Sharia laws in Sudan led me to realize that more is needed than a methodology for reforming the Sharia. A major factor in my change of heart, I believe, was my exile from Sudan following the execution of my teacher, Taha, and the banning of his books and our movement in January 1985. That shocked me into realizing that advocacy of Taha's ideas is impossible except under a state that doesn't claim to enforce the Sharia. Another factor was that I was fortunate enough to find continuous employment since I came to the United States in the fall of 1985 in my fields of academic specialization: comparative constitutionalism, human rights, and critical studies of the Sharia. Exposure to scholarly comparative studies of issues of law and religion also gradually corrected my misconception of the separation of the Sharia and the state as meaning the total exclusion of Islam from public life. The realization that it is

the separation of the Sharia and the *state*, and not of the Sharia and *society*, was the key to shifting my thinking on the issue.

Akyol: As you said, your teacher, Mahmoud Mohamed Taha, a pious Muslim with reformist ideas, was arrested, tried, and executed in 1985 for "apostasy" from Islam. As I understand, his controversial argument was that certain legal rulings in the Qur'an from the Medinan period were contextual, whereas the religious and ethical teachings of the Qur'an are universal. So he certainly did not reject the Qur'an as divinely revealed scripture but simply offered a novel interpretation of it. Can you share more about how he was targeted for his ideas?

An-Naim: The political campaign to discredit the Islamic reform methodology proposed by Taha as "un-Islamic" had been going on since the early 1960s, but he continued to exercise his civil rights to openly advocate his ideas. His opponents attempted to use the legal process by lodging a charge of apostasy before the family law court in 1968. Since there was no legal basis for prosecuting apostasy in Sudan at the time, that case relied on the legal fiction that a ruling on apostasy was necessary for deciding the legal status of Taha's marriage to his Muslim wife.[4] Taha ignored the ruling of a trial that lacked legal basis and was conducted in his absence, and he continued to advocate his Islamic reform methodology.

President Nimeiry, who was brought to power by a military coup in 1969, staged a legislative coup by presidential decree in September 1983, replacing in a single day nine foundational statutes of the Sudanese legal system, including the Penal Code and Code of Criminal Procedure. While Nimeiry claimed to enact Sharia statutes, in fact only a few terms and vague principles were superimposed on the same statutes enacted by the Anglo-Egyptian colonial rule during the first half of the 20th century. Ironically, although that legislative coup claimed to impose Sharia *hudud* penalties (corporal punishments prescribed for specific crimes), the 1983 Penal Code did not punish apostasy or impose any penal consequences for it. When the

presidential sanction for the trial of Taha was obtained, the state minister for criminal affairs added Section 458 (3) of the Penal Code of 1983 and Section 3 of the Sources of Judicial Decisions Act of 1983 to the charges on which Taha was arrested. The combined effect of the two added sections was to authorize the courts to impose Islamic penal provisions, including hudud penalties, *regardless of the lack of legislative provisions penalizing the conduct under Sudanese law.*[5] Those provisions were in flagrant violation of Article 70 of Sudan's 1973 Constitution, in force at the time, which prohibited retroactive criminal punishment.[6]

After these legal changes, Taha was arrested on January 5, 1985. He was charged with "conspiracy to overthrow the government, undermine the constitution, and high treason"—all political crimes under the Sudan Penal Code—for publishing a one-page pamphlet criticizing the September 1983 laws for distorting the Sharia and undermining the unity of Sudan.[7]

Akyol: What was Taha's defense against these charges?

An-Naim: On the first day of the two-day trial, the only evidence presented for the prosecution was the testimony of the investigating police officer, who read the one-page pamphlet and confirmed that Taha admitted publishing it. The trial judge declared that he was closing the case for the prosecution and asked Taha to respond to the charges. At that point, Taha stood up to address the trial judge and said:

> I have repeatedly declared my view that the September 1983 so-called Islamic laws violate Islamic Sharia law and Islam itself. Moreover, these laws have distorted Islamic Sharia law and Islam and made them repugnant. Furthermore, these laws were enacted and utilized to terrorize the people and humiliate them into submission. These laws also jeopardize the national unity of the country [by discriminating against non-Muslim citizens, about one-third of the population]. These are [my] objections from the theoretical point of view.
>
> At the practical level, the judges enforcing these laws lack the necessary technical qualifications. They have also morally failed to resist

> placing themselves under the control of the executive authorities which exploited them in violating the rights of citizens, humiliating the people, distorting Islam, insulting intellect and intellectuals, and humiliating political opponents.
> For all these reasons, I am not prepared to cooperate with any court that has betrayed the independence of the judiciary and allowed itself to be a tool for humiliating the people, insulting free thought, and persecuting political opponents."

The judge then adjourned the trial to the next day before announcing the verdict. The entire two days were focused on the political charges under the Sudan Penal Code, but there was no mention of apostasy whatsoever during the trial. On the second day of the trial, the judge imposed the death penalty for all charges.

The 1983 Code of Criminal Procedure required that convictions and sentences must be confirmed by the president of the Republic of Sudan. So President Nimeiry constituted, on his own initiative, a "Special Court of Appeal" to review the trial proceedings. It was that handpicked Court of Appeal (without an appeal by the accused) that *introduced the charge of apostasy for the first time*, invoking the family law case of 1968, that lacked jurisdiction to try Taha for apostasy, and that heard the case in his absence because he refused to participate in the proceedings.

The Special Court of Appeal then confirmed the death penalty for apostasy in addition to the Penal Code charges, and submitted its ruling to President Nimeiry. Two days later, on January 17, 1985, the president confirmed the conviction and sentence during an address to the nation on national TV, and stipulated that the death penalty be executed the following morning. The president also declared that Taha would not be permitted to recant his "heretical" views, because of his persistence in his "apostasy" and his propagating his views for many years. Thus, the 76-year-old Taha was executed on Friday, January 18, 1985, in the courtyard of Kober Prison in Khartoum.

Akyol: Thanks for telling the details of this sad story. I did not know that the charge of "apostasy" was brought onto Taha only to support the earlier charges on "conspiracy and treason." This seems to confirm a point made in

chapter 2 of this book: Apostasy accusations, for centuries, have been used to target political dissidents. Would you agree?

An-Naim: Yes, the apostasy charge was apparently inserted in support of the death penalty for the political charges, but it was also intended to serve a more deliberate objective of the Islamists to discredit any modernist interpretation of Islam that contradicted their conservative views of the Sharia and its role in present-day Islamic societies. The charge of apostasy supports the Islamists' claim that any view of Islam that is not consistent with their own is "heretical," and therefore they intimidate Muslims who may wish to support such a view.

Akyol: Now, let's come to your arguments about the Sharia. Today, many people in the world view it as a rigid set of laws enforced by the state, such as prohibiting alcohol or mandating *hijab* (head covering) for women. However, in *Islam and the Secular State*, you argue for a "voluntarily observed" Sharia. Does this mean, for example, that Muslims should abstain from alcohol or wear the hijab out of their free will, not due to public laws?

An-Naim: To the question at the end, yes, Muslims must abide by whatever view *they* believe the Sharia requires of them, whereas state law should never require citizens to comply with the Sharia as a matter of state law. In other words, the law of the state has no authority or justification, under any circumstances, to require compliance with Sharia principles or rules. Anything to do with compliance with the Sharia is *always* a private matter, outside the jurisdiction of the state. The Sharia and state law are two different and separate types of obligations, and should not be confused with each other.

But matters are not always so clear-cut. For instance, the prohibition of alcoholic beverages in the United States in the 1920s and 1930s was a matter of state policy and legal enforcement, but the political drive for it came from religious and social forces. It may therefore be wise to offer tentative answers that do not exclude the contribution of factors from the other source of obligation, whether religious or political. Sources may also intersect and overlap, and there may be conflicts or tensions between competing claims; the question

may be decided on the nature of the source of obligation: Are the state's sanctions based on spiritual or religious grounds, or are they political, or material?

A religious obligation cannot depend on the political authority of the state, and a state obligation cannot rely on religious sanction for its authority, which are matters of profound and inevitable disagreement even among believers of the same religion. It is therefore necessary to encourage freedom of choice and voluntary compliance, whether for religious or state policy, rather than impose one view or another, whether in the name of religious piety or ideology of the state. Conversely, state intervention may corrupt religious motivation, whereby people comply out of fear of state sanctions or consequences, instead of religious piety.

In the final analysis, I hold that any observance of the Sharia must be completely voluntary to meet the requirement of "intent to comply" (*niyyah* in Arabic), which is essential for any action or omission to be religiously valid from an Islamic point of view. Conversely, any coercion or compulsion renders conformity null and void from a religious point of view.

I also favor the view that the state is a political institution, shared by diverse Muslims and non-Muslims, equally and without distinction. As such, the state is incapable of having a religion, or performing any religious act, or authorizing individual citizens and residents to observe or comply with the dictates of the Sharia in any field or subject. Also, on issues of religious obligation, such as hijab, Muslims hold diverse views, as do other communities. When a state enforces a specific rule, like mandating hijab, it is imposing one view over another about what the Sharia requires of women. So why should the state enforce compliance to only one of the existing views?

I would therefore strongly urge keeping the state out of the Sharia and the Sharia out of the state, so that matters of state policy can be decided, regulated, monitored, accounted for, and so forth, in ways that all citizens can have equal opportunities to participate in setting or changing policy for all. I also see great benefit in keeping matters of religious belief and practice within the realm of persuasion and moral influence, rather than being subject to manipulation by political actors.

Akyol: But aren't there aspects of the Sharia that are not about personal practice or family law, which can be left to voluntary choices, but also about criminal law that require enforcement? Think of corporal punishments for theft or adultery. In your model, will they be considered obsolete? Or are you envisioning reformist interpretations of such punishments?

An-Naim: Yes, criminal law requires enforcement by the state, but that is *not* a matter of the Sharia, and cannot achieve its necessary functions if it is left to controversial claims of enforcement unless a categorical distinction is maintained between the Sharia and the law of the state. Sharia norms cannot be enacted and enforced by the state and remain Islamically valid, because that will constitute imposing on all Muslims the opinion of whoever controls the state, not the religiously motivated free choice of believers according to their own knowledge and understanding of what they believe the Sharia to be. The idea of an Islamic state to enforce Sharia is a postcolonial idea based on European ideas of centralized coercive nation-states and coercive enforcement of law by the state.

In fact, the Qur'an and the Sunna only prescribe penalties for certain crimes like theft and adultery, but they *do not* provide clear and categorical legal definitions of the elements constituting these crimes for the courts to enforce.[9] That is because the penalty for a crime and the definition of the conduct that constitutes the crime differ. For example, the Qur'an prescribes corporal penalties for *hirabah*, or "waging war against God and His messenger," which is not clearly defined and therefore has been interpreted by jurists in different ways—as "highway robbery," or "political rebellion." All such so-called hudud offenses have been defined by Muslim jurists in various ways, offering a pool of different opinions. Today, any state that claims to enforce the Sharia would be choosing and legislating one of these opinions, which would make that law the law of the state—not the Sharia. Therefore, criminal punishments are necessary for the essential functions of any state—protecting the rights of all citizens and upholding law and order—but they must be governed by public law of general application.

Akyol: For some Muslims, the very idea of a secular state sounds heretical because they think the Sharia is "God's law," which should triumph over any kind of "man's law." Why is this not the right way to think?

An-Naim: As explained earlier, I suffered from a similar misconception about the secular state until the 1990s, when I came to realize that it assumes a sharp dichotomy between so-called God's law and man's law, although the two are intertwined and overlapping. It is impossible to comprehend and articulate God's law except though human experience and expressed in human language. The converse is true of man's law, which is inconceivable without the influence of religion in the consciousness of the human being who conceives, drafts, and enacts the law. A more appropriate approach is to express and seek to understand God's law in man's law and vice versa.

Akyol: Some people also think that the Sunna itself calls for establishing religious states. It is true that our Prophet, peace be upon him, established a polity in Medina, which was continued and expanded by his successors, or caliphs. Does this legacy give us a political blueprint to emulate at every age, as the self-defined "Islamists" think, or was it an exceptional experience?

An-Naim: No, there is no precedent for an Islamic state for human beings to emulate or replicate. The experience of the Prophet Muhammad in Medina cannot serve as a model for any subsequent human experience because he was to Muslims the final and conclusive prophet who continued to receive revelation and interpret it to his followers until his death. According to what Muslims believe, no other human being has or can ever have that standing and authority. No wonder Muslims have never united behind any ruler for a single day since the Prophet. They were divided even on the day he died and before he was buried, over his succession, at the incident known as the Saqifah Bani Sa'idah.[10] For Jews and other non-Muslims of the Medina state, on the other hand, Muhammad was simply a political ruler with no religious standing as a prophet. So the Prophet's state in Medina was truly an exceptional experience that cannot be a political blueprint for any subsequent community.

Akyol: Where will the laws of this ideal secular state come from? By referring to the liberal political theorist John Rawls, and his concept of "public reason," you propose "civic reason." Can you briefly explain what this means? And why Muslims should refer to "civic reason" instead of simply saying, "This is what God says"?

An-Naim: The reason for penalizing some conduct should never be simply "because God said so," since other citizens may not accept my God or may disagree with me about the meaning of what God said. This is the rationale of my call for a religiously neutral state—or a secular state.

Of course, no single model of an ideal secular state exists in real life, but there are norms and values that every experience seeks to realize and sustain in practice. Consider the range of possibilities of secular states, from Japan and China to Korea, India, and Russia, and across Western Europe to North America. Each one of this wide range of secular states has its own political and constitutional history, current politics, and legislative and judicial institutions, and all those factors are relevant to where law comes from. It is therefore important to consider this question for each country, time frame, and other contextual factors.

It may also be helpful to think of "good law" and "bad law," rather than "secular" and "religious law." Otherwise, we would be encouraging a dichotomy between the secular and the religious, and forcing law and policy to fit into one box or the other. A good law or policy is one that keeps a fair and equitable balance between competing social and political interests and expectations.

For devising good laws, I call for "civic reason," instead of John Rawls's prescription of "public reason," because his definition of public reason excludes religion from the realm of permissible discourses for supporting public policy.[11]

Akyol: That brings us to another nuance in your argument: You say religion should be separated from the state, but not necessarily from politics. Can you briefly explain what this means?

An-Naim: Indeed, my thesis is for separation of religion and the state, while regulating the relationship between religion and politics. It is possible, I argue, to ensure the religious neutrality of the state, without attempting to control people's reasons for voting or debating public policy out of their religious convictions. I also argue that it is neither possible nor desirable to separate religion from politics, but only between religion and the state.[12]

Politics indeed cannot be separated from religion because, first, it is simply unfair, or discriminatory, to reject a view or discourse because it is deemed to be religious, regardless of what it actually has to say on the issue at hand. Second, it is also a form of anticipatory censorship, which blocks the exercise of the fundamental human rights of freedom of belief and expression before a presumed harm is proven. It is also highly intrusive and impractical for state authorities to intervene between voters and their elected officials.

Akyol: Finally, how do you envision the future of the Sharia and its place in Muslim societies? Over recent decades, we have witnessed stringent Islamist experiments in countries like Afghanistan, Iran, Pakistan, and Sudan, where state power was used to enforce the Sharia, often with uninspiring outcomes. Meanwhile, even Saudi Arabia is heading in the opposite direction today. Can we hope that through all such trials and errors, the *ummah* (the global Muslim community) will progress toward a future where faith rises on personal conscience rather than coercion, and we finally fully realize the wisdom of the Qur'anic maxim "No compulsion in religion"?

An-Naim: The Sharia can and should always be practiced voluntarily in society, never enforced by the state. Whatever any state does is to enforce its own political will, and not the Sharia as such. Since none of the states mentioned in your question (Afghanistan, Iran, Pakistan, and Sudan) has a detailed uniform view of the Sharia—given the variety of schools, opinions, and sects practiced within their populations—it is impossible to identify a single Sharia ruling or decision for the state to enforce. Take any issue of

family law, property, commercial activities, and so forth and try to decide what is the Sharia rule on that issue in any of those countries mentioned, and you will see that all one can identify is a so-called majority or dominant view. Why should that be accepted as *the Sharia* principle or rule?

It is imperative therefore to enable and allow every Muslim, man or woman, to decide for themself what the relevant Sharia rule or principle is, to abide by it, and to be accountable before God according to his or her honest and genuine intention (niyyah). No official or institution of the state can genuinely and legitimately do that for any Muslim.

Meanwhile, societies must operate on clear and categorical rules and regulations to govern public and interpersonal relations in every field or aspect of human relations. That is the realm of the public law of the state, regardless of whether or not any segment of the population believes a rule or principle is in accordance with their view of the Sharia.

For deliberating those public rules and regulations, in any society, including Muslim-majority ones, I would advocate invoking the Golden Rule: "Do unto others as you would have them do unto you." Following this universal ethical imperative would also help further realize the "No compulsion in religion" principle: We should not impose on others any religious coercion that we would not want to be imposed on us. We should allow them the freedom, in other words, that we rightly demand for ourselves.

Notes

[1] See Abdullahi Ahmed An-Naim, *Islam and the Secular State: Negotiating the Future of Shari'a* (Harvard University Press, 2008).

[2] An-Naim, *Islam and the Secular State*, p. 1.

[3] See Abdullahi Ahmed An-Naim, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (Syracuse University Press, 1990). For a summary of Taha's ideas, see Abdullahi Ahmed An-Naim, "Translator's Introduction," in *The Second Message of Islam*, by Mahmoud Mohamed Taha, trans. Abdullahi Ahmed An-Naim (Syracuse University Press, 1987), pp. 1–29.

[4] A similar prosecution took place in Egypt against Nasr Hamid Abu Zayd in the early 1990s, and is covered in Chapter 2 of this volume.

[5] See Abdullahi Ahmed An-Naim, "The Islamic Law of Apostasy and Its Modern Applicability: A Case from the Sudan," *Religion* 16, no. 3 (1986): 197–223; also available in Mashood A. Baderin, ed., *Islam and Human Rights* (Ashgate, 2010), pp. 219–46, 229.

[6] "Retroactive criminal punishment," also known as "ex post facto punishment," refers to laws that apply penalties to actions committed before the law was enacted.

[7] Four of Taha's followers were arrested with him, because they happened to be at his house at the time of arrest. They were charged with the same crimes and were subjected to the same trial with Taha. For a more detailed account, see An-Naim, "Translator's Introduction," pp. 13–15.

[8] An-Naim, "Translator's Introduction," p. 14.

[9] See An-Naim, *Toward an Islamic Reformation*, pp. 109–11.

[10] The Saqifah Bani Sa'idah was a pivotal meeting in 632 CE at which Abu Bakr was chosen as the first caliph of the Muslim community—but only with tensions among different factions with their own political views and aspirations, planting the seeds of future divisions between Sunnis, Shiites, and other sects.

[11] See Abdullahi Ahmed An-Naim, "Islamic Politics and the Neutral State: A Friendly Amendment to Rawls?," in *Rawls and Religion*, ed. Tom Bailey and Valentina Gentile (Columbia University Press, 2014), pp. 242–66.

[12] For a detailed discussion on state, religion, and politics, see An-Naim, *Islam and the Secular State*, pp. 1–8.

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